



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

Date: Thursday, September 10, 2020
Time: 7:00 p.m.
Location: Video Conference

	Pages
1. Approval of the Agenda	
That the Agenda as circulated by the Secretary-Treasurer be approved.	
2. Declarations of Pecuniary Interest and General Nature Thereof	
3. Receipt of the Minutes	
3.1 Committee of Adjustment Meeting Minutes of August 6, 2020, Meeting Number 20-06	
That the Committee of Adjustment meeting minutes from Meeting Number 20-06 be adopted as printed and circulated.	
4. Presentation of Applications	
4.1 C-2020-04 - 1623 Wellington Street Developments Inc. - 1623 Wellington Street East	1
4.2 MV-2020-15 - Theriault - 51 Haskell Crescent	19
4.3 MV-2020-16 - Pontisso - 10 Jasper Drive	27
4.4 MV-2020-17 - Charbonneau - 64 Cousins Drive	39
5. New Business	
6. Adjournment	



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Town of Aurora
Planning and Development Services

COMMITTEE OF ADJUSTMENT STAFF REPORT

DATE: September 10, 2020

FROM: Anna Henriques, Acting Manager, Development Planning

RE: Application for Change of Conditions for Consent (for C-2020-01)
1623 Wellington Street Developments Limited
1623 Wellington Street East
File: C-2020-04

APPLICATION

The purpose of this application to request a change of conditions for provisional consent which was granted by the Committee, subject to 7 conditions, on March 12, 2020 (C-2020-01). The applicant is seeking that condition #4 be revised as follows:

“That the Owner enter into an agreement with the Town, to the satisfaction of the Director of Planning and Development Services for:

- a. The design and construction of Goulding Avenue, including all applicable costs for all necessary services and utilities to extend existing Goulding Avenue to Wellington Street East; and,
- b. To construct and dedicate the extension of Goulding Avenue to the Town within 12 months of starting construction, and provide full access to the retained and severed parcels, including any required access easements, to the satisfaction of the Director of Planning and Development Services.”

BACKGROUND

Subject Property and Area Context

The subject property, municipally known as 1623 Wellington Street East, is located on the south side of Wellington Street East, and west of Highway 404. The subject property has an area of approximately 13.07 hectares (32.30 acres) and approximately 647.15



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metres (2,123.20 feet) of frontage on Wellington Street East. The property is currently vacant.

Surrounding land uses include, a motor vehicle service station, and the Smart Centres plaza to the north; Highway 404 to the east; employment uses and Goulding Avenue to the south; and a motor vehicle service station to the west.

Application History

On March 12, 2020 the Committee granted provisional consent, subject to the fulfillment of 7 conditions (Appendix 'A'). The severance created two new lots fronting onto Wellington Street as outlined below and as per the sketch presented to Committee on March 12, 2020 (Appendix 'B'):

- Sever and convey a parcel of land (Parts 5, 7 & 8) with an approximate area of 7.8 acres (31,688 m²) and lot frontage of 194.53 m (638.2 ft); and,
- Retain two parcels of land; one with an approximate lot area of 14.1 acres (57,039m²) and lot frontage of 294.19 (965.2ft²) (Parts 2, 3, 4); and one with an approximate lot area of 12.4 acres (50,219m²) and lot frontage of 136.27 m (447 ft) (Parts 1 & 6).

Related Applications

The subject lands are currently subject to the following Planning Applications:

Planning Application	Purpose of Application	Applicable Lands (Appendix 'B')
Site Plan Control (SP 2018-05)	To permit a commercial development	Parts 2, 3, 4
Official Plan & Zoning By-law Amendment (OPA 2020-02 & ZBA 2020-02)	To permit additional site specific uses (e.g. motor vehicle sales, commercial self storage, etc.)	Parts 1, 5, 6,7 & 8



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REVIEW & COMMENTS

Planning

The Planning Act [S. 53 (23)] allows the Committee to change the conditions of provisional consent at any time before the consent is given (i.e. once all conditions of approval fulfilled and consent finalized).

The applicant has requested a change to condition #4 as they wish to proceed with the construction of the extension of Goulding Ave separate from the commercial development (Site Plan application 2018-05) located on the west side of the extension of Goulding, as originally contemplated when provisional consent was granted on March 12, 2020 (C-2020-01).

Staff have reviewed the requested revision to condition #4 and have no concerns. The intent of this condition was to secure the construction and dedication of the extension of Goulding Avenue to provide access to the retained and severed lands and to ensure the Owner enters into an agreement with the Town. The requested revision to condition #4 satisfies both requirements. Staff do however recommend that condition #4 be amended as follows to provide greater clarity (see bold for recommended revision to #4 b):

“That the Owner enter into an agreement with the Town, to the satisfaction of the Director of Planning and Development Services for:

- c. The design and construction of Goulding Avenue, including all applicable costs for all necessary services and utilities to extend existing Goulding Avenue to Wellington Street East; and,
- d. To construct and dedicate the extension of Goulding Avenue (**Part 3 on draft RPlan**) to the Town within 12 months of starting construction, and provide full access to the retained and severed parcels, including any required access easements, to the satisfaction of the Director of Planning and Development Services.”

Also, given that Smart Centres cannot confirm the timing with respect to the development of the lands west of the future extension of Goulding Avenue at this time, there will be no



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Site Plan Agreement (2018-05) for these lands. Therefore, staff recommend an additional condition of approval to ensure payment of Cash in Lieu of Parkland:

“That the Owner enter into an agreement or a Memorandum of Understanding with the Town, agreeing to pay cash-in-lieu parkland, if required, to the satisfaction of the Director of Planning and Development Services.” (Condition #7, Appendix ‘D’).

The subject application was circulated to Town departments and external agencies for review and comment. There were no objections to the requested amended condition #4 or requests for further revisions to the conditions with the exception of the Region of York. The Region of York has issued updated conditions of approval as outlined in their letter dated September 1, 2020 (Appendix ‘C’). The amended conditions are generally consistent with the conditions provided by the Region when provisional consent was granted on March 12, 2020 with the exception of two additional conditions of approval, as outlined below:

1. The Owner shall agree that no direct private access is permitted onto Wellington Street. All accesses shall be provided through local roads. This applies to Part 1, Part 2 and Part 8, as identified in the Plan of Survey of Part of Lot 20 Concession 3.
2. The Owner shall agree to include the following clause in all subsequent Purchase and Sale Agreement(s), Tenant Lease Agreement(s) and subsequent development application agreement(s). "THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT NO ACCESS IS PERMITTED TO WELLINGTON STREET, ALL ACCESSES SHALL BE PROVIDED VIA LOCAL ROADS."

Staff are recommending approval of the requested change to condition #4 and the further updates and revisions as outlined above. All other conditions of approval of provisional consent, as approved on March 12, 2020, will apply.

A consolidated list of updated conditions of approval for provisional consent (previous conditions of approval that still apply, requested change by applicant, and updates by Town and York Region as outlined in this report) are outlined in Appendix ‘D’. Staff recommend approval of the updated conditions of approval as outlined in Appendix ‘D’ for consent application C-2020-01 for 1623 Wellington St.



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ADDITIONAL COMMENTS

Department / Agency	Comments Provided
Engineering Services	No comments
Building Division	No comments provided at the time of writing of this report.
Operational Services	No comments
Central York Fire Services	No comments provided at the time of writing of this report.
Legal Services	Please reference Part 3 on Draft Reference Plan as future extension of Goulding for updated condition #4b
Accessibility	No comments provided at the time of writing of this report.
Alectra Utilities	We have reviewed the proposed Variance application and have no objections to its approval.
York Region	See letter dated September 1, 2020 (Appendix 'C')
LSRCA	Not within regulated area
Ministry of Transportation	No comments provided at the time of writing of this report.

Public Correspondence

No written submissions were received at the time of writing of this report. Should any written submissions be received after the writing of this report, the Secretary Treasurer will provide the submission(s) to Committee members at the meeting. Staff recommend that the Committee consider public input in reaching a decision.

CONCLUSION

Staff recommend approval of the updated conditions of approval as outlined in Appendix 'D' for consent application C-2020-01 for 1623 Wellington St.

Staff note that Section 53 (26) of the Planning Act states that notice of changed to conditions of consent is not required if the Committee is the opinion that the changes to the conditions are minor in nature.



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APPENDICES

Appendix 'A' – Original Conditions of Approval (C-2020-01)

Appendix 'B' – Severance Sketch for Provisional Consent Granted March 12, 2020

Appendix 'C' – Updated York Region Conditions of as per Letter dated September 1, 2020

Appendix 'D' – Updated Consolidated Conditions of Approval for C-2020-01



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Appendix “A”

CONDITIONS FOR APPROVAL:

1. Payment of any outstanding property taxes owing to date for the subject properties 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 showing the subject land, which conforms substantially to the application form and sketch as submitted with this application.
3. Submission to the Secretary-Treasurer of the required draft transfers to effect the severance applied for under Files C-2020-01 in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
4. That the Owner has entered into a Site Plan/Development Agreement for Site Plan file number SP-2018-05 and any other agreement necessary, to the satisfaction of the Director of Planning and Development Services, for:
 - a. The design and construction of Goulding Avenue, including all applicable costs for all necessary services and utilities to extend existing Goulding Avenue to Wellington Street East; and,
 - b. To construct and dedicate the extension of Goulding Avenue to the Town before the end of 2020, and provide full access to the retained and severed parcels, including any required access easements, to the satisfaction of the Director of Planning and Development Services.
5. Submission to the Secretary-Treasurer of written confirmation from the Region of York; that the Applicant has satisfied all concerns below and as noted in the February 28, 2020 memo by Tiffany Wong, Associate Planner:
 - a. Prior to final approval, the Owner shall convey the following lands shown on Part 4 of Reference Plan: Job No. 12-2210-Ref 1, survey completed on February 14, 2018 and signed by Holding Jones Vanderveen Inc. on April



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4, 2018 to York Region for public highway purposes free of all costs and encumbrances, to the satisfaction of the Regional Solicitor.

- i. A widening across the full frontage of the site where it abuts Wellington Street East of sufficient width to provide a minimum of 18 metres from the centre of construction of Wellington Street East.
 - ii. Sufficient property to provide a 15 metre by 15 metre daylighting triangle at the south-east corner and south-west corner of Wellington Street East and Goulding Avenue
- b. The Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of these lands to York Region. Alternatively, the Owner shall submit documentation to the Region confirming that the existing streetline represents sufficient right-of-way as required by York Region.
- c. The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the



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requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement

- d. York Region's development application processing fee as identified in By-law No.2010-15 is for Consent to Sever, additional lots and Environmental Site Assessment. All payments shall be in the form of a certified cheque and made payable to "The Regional Municipality of York." Development application fees are subject to annual adjustments and increases. Any unpaid fees, regardless of the year the application is submitted, will be subject to current fee requirements.
 - e. Prior to final approval, the Planning and Economic Development Branch shall certify that Condition 6 (a) to (d) have been met to its satisfaction.
6. The Owner to provide any documentation requested by the Director of Planning and Development Services to the Director's satisfaction, demonstrating that all required



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approvals applicable for the severed and retained lots required by any other government agency have been obtained.

7. Fulfilment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act. R.S.O. 1990, c.P.13.

[illegible]

Retained Lots	Lot Frontage	Lot Area
Parts 2, 3, 4	294.19 m	57,039 sq. m.
Parts 1 and 6	136.27 m	50,219 sq. m.

Severed Lot	Lot Frontage	Lot Area
Parts 5, 7 and 8	194.53 m	31,688 sq. m.

Legend

Severed Lot

Retained Lots



Corporate Services

File No.: C-20-04 (CONS.20.A.0017)

September 1, 2020

Brashanthe Manoharan
Committee of Adjustment
Town of Aurora
100 John West Way, Box 1000
Aurora, ON
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**RE: Consent Application C-2020-04 (CONS.20.A.0017)
1623 Wellington Street Developments Limited
1623 Wellington Street
Town of Aurora**

The Regional Municipality of York ("Region") has completed its review of the above noted consent application. The subject site is municipally known as 1623 Wellington Street and is located on the south side of Wellington Street, east of Leslie Street in the Town of Aurora.

The purpose of this application is for a severance that will create two new lots for the establishment of a business park. The surrounding area is commercial.

The site designated as Urban Area on Map 1 of the York Region Official Plan 2010 (YROP-2010) and located within the Built Boundary and outside the Regional Greenlands System.

The subject property is located on a Regional Road as identified on Map 12 or the YROP-2010. As such, the Region is protecting for a 36 metre(s) right-of-way along the frontage of this section of Wellington Street East for the purpose of a road widening as per Section 7.2.49 of the YROP-2010. Access from the subject lands onto Wellington Street will not be permitted. All access from the subject lands shall be provided through local roads. *The Region has discussed this restriction with the owner and he acknowledges there will be no access from the subject lands onto Wellington Street.*

The Region has no objection to the consent application subject to the following conditions are satisfied:

1. The Owner shall agree that no direct private access is permitted onto Wellington Street. All accesses shall be provided through local roads. This applies to Part 1, Part 2 and Part 8, as identified in the Plan of Survey of Part of Lot 20 Concession 3.
2. The Owner shall agree to include the following clause in all subsequent Purchase and Sale Agreement(s), Tenant Lease Agreement(s) and subsequent development application agreement(s). "THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT NO ACCESS IS PERMITTED TO WELLINGTON STREET, ALL ACCESSES SHALL BE PROVIDED VIA LOCAL ROADS."
3. The Owner shall arrange for the preparation, review and deposit on title of a 65R reference plan, describing the lands identified below, to the satisfaction of the Region. The reference plan shall identify all the lands to be conveyed to the Region:
 - a. A road widening to establish a right-of-way 18 metres from the centerline of construction of Wellington Street East and
 - b. a 15x15 metre daylight triangle at the southwest corner of the St. John's Sideroad/Willow Farm Lane intersection, to the satisfaction of the York Region Solicitor.

Alternatively, the Owner shall submit documentation to the Region confirming that the existing streetline represents sufficient right-of-way as required by the Region Official Plan.

4. The Owner shall convey the lands identified in the R Plan, pursuant to Condition 2, to the Region, for the purpose of road widenings and easements, free of all costs and encumbrances, to the satisfaction of the Regional solicitor.
5. The Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of these lands to the Region.
6. The Region requires the Owner submit an updated Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2)

years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted

7. Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

8. The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.
9. Prior to final approval, the Planning and Economic Development Branch shall certify that Conditions 1-6 have been met to its satisfaction.

With respect to the conditions above, we request a copy of the notice of decision when it becomes available.

Should you have any questions regarding the above, please contact Gabrielle Hurst at extension 71538 or through electronic mail at gabrielle.hurst@york.ca

Regards,

Gabrielle Hurst

Gabrielle Hurst, MCIP, RPP. Associate Planner
Programs and Process Improvement, Planning and Economic Development Branch



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APPENDIX 'D' – Conditions of Approval C-2020-01 (Updated Sept 2020)

1. Payment of any outstanding property taxes owing to date for the subject properties 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 showing the subject land, which conforms substantially to the application form and sketch as submitted with this application.
3. Submission to the Secretary-Treasurer of the required draft transfers to effect the severance applied for under Files C-2020-01 in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
4. That the Owner enter into an agreement with the Town, to the satisfaction of the Director of Planning and Development Services for:
 - a. The design and construction of Goulding Avenue, including all applicable costs for all necessary services and utilities to extend existing Goulding Avenue to Wellington Street East; and,
 - b. To construct and dedicate the extension of Goulding Avenue (Part 3 on draft RPlan) to the Town within 12 months of starting construction, and provide full access to the retained and severed parcels, including any required access easements, to the satisfaction of the Director of Planning and Development Services."
5. Submission to the Secretary-Treasurer of written confirmation from the Region of York; that the Applicant has satisfied all concerns below and as noted in the September 1, 2020 letter:
 - a. The Owner shall agree that no direct private access is permitted onto Wellington Street. All accesses shall be provided through local roads. This applies to Part 1, Part 2 and Part 8, as identified in the Plan of Survey of Part of Lot 20 Concession 3.



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- b. The Owner shall agree to include the following clause in all subsequent Purchase and Sale Agreement(s), Tenant Lease Agreement(s) and subsequent development application agreement(s). "THE OWNER UNDERSTANDS AND ACKNOWLEDGES THAT NO ACCESS IS PERMITTED TO WELLINGTON STREET, ALL ACCESSES SHALL BE PROVIDED VIA LOCAL ROADS."
- c. The Owner shall arrange for the preparation, review and deposit on title of a 65R reference plan, describing the lands identified below, to the satisfaction of the Region. The reference plan shall identify all the lands to be conveyed to the Region:
 - i. A road widening to establish a right-of-way 18 metres from the centerline of construction of Wellington Street East and
 - ii. a 15x15 metre daylight triangle at the southwest corner of the St. John's Sideroad/Willow Farm Lane intersection, to the satisfaction of the York Region Solicitor.

Alternatively, the Owner shall submit documentation to the Region confirming that the existing streetline represents sufficient right-of-way as required by the Region Official Plan.

- d. The Owner shall convey the lands identified in the R Plan, pursuant to Condition 2, to the Region, for the purpose of road widenings and easements, free of all costs and encumbrances, to the satisfaction of the Regional solicitor.
- e. The Owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of these lands to the Region.
- f. The Region requires the Owner submit an updated Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted



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- g. Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

- h. The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.
- i. Prior to final approval, the Planning and Economic Development Branch shall certify that Conditions 5 (a-h) have been met to its satisfaction.

COMMITTEE OF ADJUSTMENT STAFF REPORT

DATE: September 3, 2020

FROM: Sean Lapenna, Planner, Planning and Development Services

RE: Minor Variance Application
51 Haskell Crescent
Plan 65M2374, Lot 75
File: MV-2020-15

1. APPLICATION

The applicant is requesting the following relief from the Town's Comprehensive Zoning By-law 6000-17, as amended, to permit a reduced interior side yard setback for an existing detached pavilion:

- a) Section 7.2 of the Zoning By-law requires a minimum interior side yard setback of 1.2 metres. The applicant is proposing an interior side yard setback of 0.50 metres to the eastern interior side property line.

2. BACKGROUND

Subject Property and Area Context

The subject lands are municipally known as 51 Haskell Crescent and is located south of Henderson Drive, west of Yonge Street, east of Bathurst Street and on the north side of Haskell Crescent. The subject lands have a lot area of approximately 675 m² (7,266 ft²) and a frontage of approximately 15.01 m (49.0 ft). The property contains a two storey single-detached dwelling, an in-ground swimming pool and a one storey detached pavilion.

The subject property is located within an established residential neighbourhood. Surrounding land uses include low-density residential in the form of single-detached dwellings to the north, east, west and south.

Proposal

The reduced interior side yard setback variance is being requested to accommodate an existing pavilion in the rear yard, along the east property line. The existing pavilion is 7.13

m² (77.0 ft²) in area, 3.2 m (10.5 ft) in height and was constructed in 2012. Based on the submitted Site Plan, the pavilion is located approximately 0.50 m (1.64 ft) away from the interior side yard property line and functions as a covered rear yard accessory structure that accommodates a barbeque set and two lounge chairs.

The Town of Aurora received a complaint regarding the existing pavilion which is in non-compliance with the interior side yard setback Zoning By-law requirement and a notice of violation was issued to the property owner in July 2020. In response to this, the owner submitted the subject Minor Variance application on August 11, 2020. The Town's Building Division has confirmed that a Building Permit is not required for the structure.

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.

Zoning

The subject lands are zoned R3 (41) (Detached Third Density Residential Exception Zone) by the Town of Aurora Zoning By-law #6000-17, as amended. The proposed pavilion is considered an accessory building and is therefore permitted under the R3 (41) zone.

Preliminary Zoning Review

A Preliminary Zoning Review (PZR) was completed by the Building Division on July 28, 2020. The PZR identified the required variance and no other non-compliance was identified.

3. REVIEW & COMMENTS

The minor variance application was circulated to Town divisions and applicable external agencies for review and comment. The following is a list of those who were circulated and the comments provided:

Planning Division

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

The subject property is designated “Stable Neighbourhoods” by the Town of Aurora Official Plan. The proposed pavilion is in keeping with the surrounding context and character of the existing neighbourhood.

As such, staff are of the opinion that this variance meets the general intent of the Official Plan.

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

The purpose of the side yard setback by-law requirement is to ensure that adequate separation is provided between buildings on abutting properties. Although the pavilion was constructed closer to the interior side yard property line than what the by-law allows, staff are of the opinion that the requested variance provides a sufficient separation distance between buildings on abutting properties, as the by-law intends.

Planning Staff are of the opinion that the proposed minor variance maintains the general intent and purpose of the Zoning By-law.

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

Planning Staff note that the proposed pavilion shares a mutual property line (east property line on the subject lands) with the property at 53 Haskell Crescent. This property currently accommodates a two storey single-detached dwelling that is setback approximately 1.66 m away from the mutual property line.

A wooden fence also exists between the two properties and is located along the east side property line. A combined building separation distance of approximately 2.16 m (7.0 ft) exists between the existing pavilion at 51 Haskell Crescent and the existing single-detached dwelling at 53 Haskell Crescent which provides adequate space for maintenance access between the pavilion and the fence along the interior side yard property line.

The pavilion is also setback a minimum of 22.0 m away from the front yard property line. Because of the scale, height and location of the pavilion, the pavilion is not overly visible from the street. A wooden wall exists within the pavilion that faces the adjacent neighbouring property to the east, which provides additional screening. As such, staff are of the opinion that adequate screening exists between the two properties and anticipate no negative impacts from a privacy standpoint.

As detailed in the Public Correspondence section of this report, concerns were raised by an adjacent property owner as it relates to drainage issues between the two properties. Upon

review of this matter, the Town's Engineering Department has recommended two conditions of approval, should the application be approved, in order to address this matter.

Based on the above, staff are of the opinion that the existing pavilion is compatible with the surrounding area and represents appropriate development of the property.

Therefore, staff are of the opinion that permitting the subject variance is an appropriate development and use of the land.

d) The variance is considered minor in nature

As previously stated, a building separation distance of approximately 2.16 m (7.0 ft) exists between the accessory structure (pavilion) at 51 Haskell Crescent and the existing single-detached dwelling at 53 Haskell Crescent. In addition to this, staff also note that no portion of the pavilion encroaches beyond the side yard property line, into the neighbouring yard at 53 Haskell Crescent.

As such, the subject variance is considered by staff to be minor in nature.

Department and Agency Comments

Department / Agency	Comments Provided
Engineering Services	<p>Based on the drainage concerns raised, please include the following conditions for the subject variance application:</p> <ol style="list-style-type: none"> 1. That the owner provide a report along with a grading and drainage plan prepared by a Professional Engineer providing drainage impact assessment and any associated mitigative measures to demonstrate if there is any adverse drainage impact on the adjacent lands associated with the subject variance application, to the satisfaction of Planning and Development Services or designate. 2. That the owner agree in a letter of undertaking to complete site works, if any, required to mitigate the drainage impacts on adjacent lands if identified in the above noted drainage assessment report and certified by an engineer, to the satisfaction of the Director of Planning and Development Services or designate.

Building Division	Preliminary Zoning Review conducted. No comments provided specifically on the application at the time of writing of this report.
Operational Services - Parks Division	We have reviewed the documentation for the property associated with the above noted application and have no formal comments.
Central York Fire Services	No comments received at the time of writing of this report.
Lake Simcoe Region Conservation Authority	The subject property is not located within an area that is regulated by the LSRCA under Ontario Regulation 179/06 of the Conservation Authorities Act.
Legal Services	No comments received at the time of writing of this report.
The Regional Municipality of York	The Regional Municipality of York has completed its review of the above noted minor variance and has no comment.
Alectra Utilities	<p>We have reviewed the proposed Variance application and have no objections to its approval, subject to the following comments:</p> <p>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.</p> <p>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. All construction work will be required to stop until the safe limits of approach can be established.</p> <p>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</p>

	referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work
--	---

Public Correspondence

One written submission was received at the time of writing of this report. The following is a summary of the comments provided:

- Concern with water pooling issue in neighbouring rear yard;
- Rain water flows into the rear yard of 53 Haskell Crescent which has also caused several adjacent fence posts to rot and the fence to lean from vertical;
- The grading slopes downwards from 51 to 53 Haskell Crescent exacerbated by the construction of a pool in the rear yard of 51 Haskell Crescent and there is no swale between the two properties.

To address these matters, the Town's Engineering Department is requiring, as conditions of approval, that the owner provide a report along with a grading and drainage plan prepared by a Professional Engineer to demonstrate if there are any adverse drainage impacts on the adjacent lands associated with the subject variance application. The report will include a drainage impact assessment and any associated mitigative measures. If it is determined that site works are required to mitigate the drainage impacts identified in the drainage assessment report, the owner will be responsible for completing these works.

With the inclusion of these conditions, Staff have no concerns with approval of the variance as requested.

4. 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 recommended conditions of approval for the requested variance.

5. ATTACHMENTS

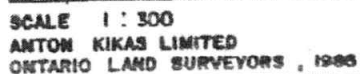
Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan

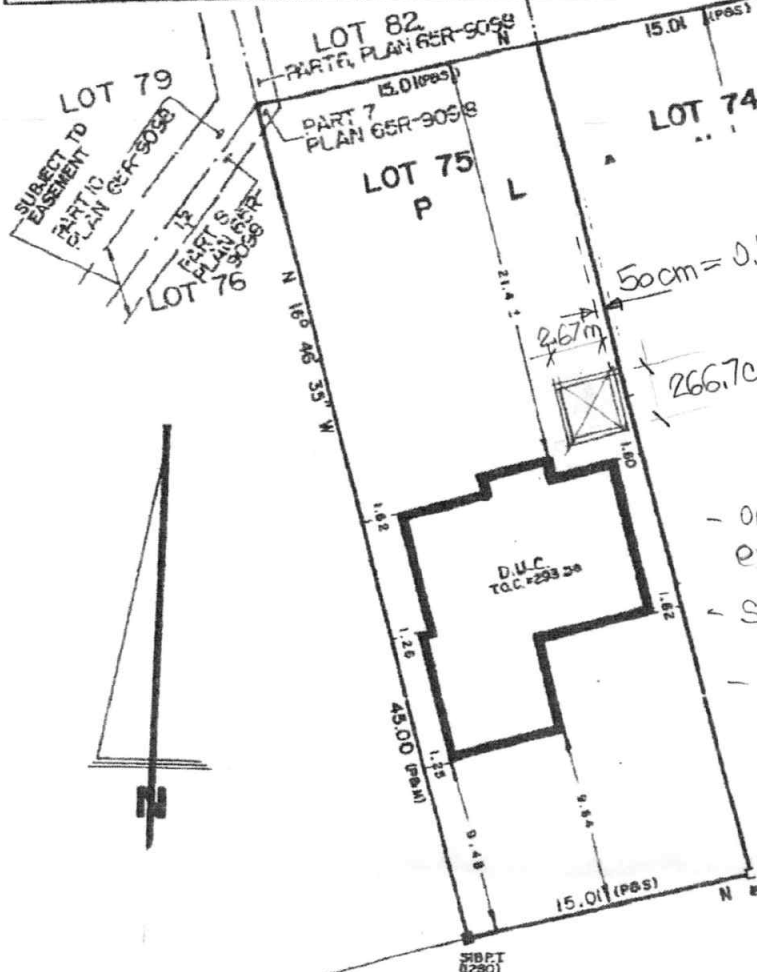
Appendix 'A' – Recommended Condition of Approval

The following condition is required to be satisfied should application MV-2020-15 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 received by the Town of Aurora on August 11th, 2020, with respect to the location of the pavilion, to the satisfaction of the Director of Planning and Development Services or designate.
2. That the owner provide a report along with a grading and drainage plan prepared by a Professional Engineer providing drainage impact assessment and any associated mitigative measures to demonstrate if there is any adverse drainage impact on the adjacent lands associated with the subject variance application, to the satisfaction of Planning and Development Services or designate.
3. That the owner agree in a letter of undertaking to complete site works, if any, required to mitigate the drainage impacts on adjacent lands if identified in the above noted drainage assessment report and certified by an engineer, to the satisfaction of the Director of Planning and Development Services or designate.



METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



NOTE:

- on site measurements for existing pavilion 2.67×2.67 m
- soffit depth 0.25 m.
- height of unit (peak) - 3.2m

Preliminary Zoning Review

JUL 28 2020

PLANNING AND DEVELOPMENT SERVICES
Building Division

PR20200582

COMMITTEE OF ADJUSTMENT STAFF REPORT

DATE: September 10, 2020

FROM: Matthew Peverini, Planner, Planning and Development Services

RE: Minor Variance Application
Pontisso
10 Jasper Drive
PLAN 517, LOT 141
File: MV-2020-16

1. APPLICATION

The applicant is requesting relief from the requirements of the Town of Aurora Comprehensive Zoning By-law 6000-17, as amended, to permit the construction of a two-storey addition, and a new porch. In response to Staff comments, the applicant has revised their plans to increase the proposed minimum front yard setback from 5.13 metres to 5.5 metres. As such, the following relief from the Zoning By-law is requested:

- (a) Section 7.2 of the Zoning By-law requires a minimum front yard setback of 6.0 metres. The applicant is proposing a two-storey addition with an integral garage with a front yard setback of 5.5 metres; and,
- (b) Section 4.20 of the Zoning By-law states that open porches require a minimum setback of 4.5 metres from the front property line. The applicant is proposing a front porch with steps with a setback of 3.42 metres to the front property line.

2. BACKGROUND

Subject Property and Area Context

The subject property is municipally known as 10 Jasper Drive and is located on the north side of Jasper Drive, north of Wellington Street West and east of Haida Drive. The subject property is approximately 647 m² (6,964.25 ft²) in area, and has a lot frontage of approximately 15.24 metres (50 feet). The subject property contains a one-storey single detached dwelling, a carport, a shed, and an in-ground swimming pool. There is also vegetation on the property, which includes a hedge along the west property line in the front yard, a tree in the rear yard, and minor landscaping.

The subject property is located within the Aurora Heights neighbourhood, which is characterized by large lots within a curvilinear pattern of wide streets. Surrounding land uses include low-density residential to the north, east and west; and low density residential and low-rise commercial to the south.

Proposal

The applicant is proposing to demolish the existing carport to construct a two-storey addition, within the easterly side yard and a portion of the rear yard, with a gross floor area of approximately 94.03 m² (1,012.13 ft²). The addition consists of an attached garage, a study on the main floor, and two bedrooms above the proposed garage, on the second floor. The proposed garage will accommodate two vehicles, and storage. The applicant is also proposing to replace the existing porch, with an expanded covered porch and steps in the front yard. A deck is also proposed at the rear of the property, however, it is not subject to this application. A conceptual site plan and elevations are attached as Appendix 'B' to this report

It is important to note that the existing dwelling has a legal non-complying front yard setback of 5.53 metres, whereas the Zoning By-law requires a 6.0 metre setback.

Official Plan

The subject property is designated "Stable Neighbourhoods" by the Town of Aurora Official Plan which protects residential neighbourhoods from incompatible forms of development and, at the same time, permits them to evolve and enhance over time.

Zoning By-law

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

The subject property is located within the Aurora Heights Stable Neighbourhoods Site Plan Control Area. A Site Plan Application has not yet been submitted, but will be required in accordance with the Town's Site Plan Control By-law.

Preliminary Zoning Review

A Preliminary Zoning Review was completed by the Building Division on July 29, 2020. The requested variances have been confirmed based on the review.

3. REVIEW & COMMENTS

The minor variance application was circulated to Town divisions and applicable external agencies for review and comment. Planning Division, and other Department/Agency comments are provided below.

Planning Division

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

The neighbourhood is characterized by generally one to two-storey dwellings, with many split-level dwellings. Mature vegetation is present along both the west property line (a hedge) and east property line (mature tree) The proposed addition and requested reduced front yard setback may impact the existing tree on the adjacent property to the east, however, to minimize potential impacts, recommended conditions of approval address mitigation, monitoring, and compensation. The proposed addition and requested variances will maintain an adequate area of soft landscaping in the front yard and the proposed porch will extend beyond the front face of the main wall of the building which will enhance the streetscape.

The proposed addition and porch is in keeping with the surrounding context and character of the host neighbourhood, and as such, Staff are of the opinion that the proposed variances meet the general intent of the Official Plan.

b) The proposed variances meet the general intent of the Zoning By-law

The proposed addition and variances will maintain an adequate area for soft landscaping in the front yard, enhance the streetscape, and continue to satisfy parking requirements for a single detached dwelling. Additionally, the existing vegetation on both sides of the property will assist in mitigating the overall presence of the garage on the streetscape.

Given the above, Staff are of the opinion that the proposed variances meet the general intent of the Zoning By-law.

c) The proposed variances are considered desirable for the appropriate development of the lot

The applicant is proposing to maintain the existing front yard setback to the dwelling for the addition. Additionally, the applicant has integrated the garage into the design

of the dwelling by ensuring that the proposed addition is generally flush with the existing main wall of the building, and by including a second storey above the garage which de-emphasizes the visual impact of the garage.

The proposed reduced front yard setback for the proposed porch (with steps) extends beyond both the face of the main wall of the existing building and proposed addition. The enlarged porch allows for additional enjoyment of the front yard (i.e. seating area) while also enhancing the streetscape.

Staff are of the opinion that the proposed variances are considered desirable for the appropriate development of the property. Staff suggest that any approval by Committee shall be conditional upon the owner obtaining site plan approval for the proposed development to ensure the final design is compatible and sympathetic with the surrounding neighbourhood.

d) The proposed variances are considered minor in nature

Both of the proposed variances do not negatively impact the streetscape or adversely affect adjacent properties. Existing vegetation on either side of the property assists in mitigating the visual presence of the proposed addition and garage on the streetscape and adjacent properties. The proposed addition will be further reviewed through the Stable Neighbourhood Site Plan Review process to ensure compatibility with the surrounding neighbourhood.

The application was circulated to commenting departments and agencies for review, and there have been no objections. The Operational Services Division has provided that should Committee approve the application, a condition be added to address any potential damage or removals to vegetation on or proximal to the subject property. This condition is included as Condition 2 in Appendix 'A'.

As such, Staff are of the opinion that the proposed variances are minor in nature.

Other Departments

Department / Commenting Agency	Comments Provided
Building Division	A Preliminary Zoning Review was completed.
Accessibility Advisory	No comments received.
Operational Services Division	There are trees situated on the subject property and/or property line may be impacted by excavation or disturbance

Department / Commenting Agency	Comments Provided
	<p>due to construction and/or demolition. This may result in irreparable damage to the root systems and/or canopy to one or more of these trees. Furthermore, it may be necessary to remove some trees for the proposed construction.</p> <p>In view of the above staff recommend that the Committee impose condition number 2, as included in Appendix 'A' to this report, in the event that this application is approved.</p>
Engineering Division	No concerns with the proposed application.
Legal Services	No comments received.
Central York Fire	No comments received.
York Region	The Regional Municipality of York has completed its review of the above minor variance and has no comment
Alectra Utilities	No objections to its approval.

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.

4. CONCLUSION

Planning staff have reviewed minor variance application MV-2020-16 with respect to Section 45(1) of the Planning Act, and are of the opinion that the requested variances meet the four tests of the Planning Act. Please refer to Appendix 'A' for the recommended conditions of approval for the requested variances.

5. ATTACHMENTS

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Conceptual Site Plan and Elevations

Appendix 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2020-16 be approved by the Committee of Adjustment:

1. That the Owner(s) enter into a Stable Neighbourhood Site Plan Agreement with the Town, prior to any development or site alteration, to the satisfaction of the Director of Planning and Development Services or designate; and,
2. 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 as noted in the August 17, 2020 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.

Site Statistics

(Metric) Lot Frontage: 15.24 - ZoneR3-SN (497)

Lot A	Gross Floor Area Calculation	
Lot Depth	42.67	Existing GFA
Lot Area	647.31	Proposed GFA
Zone	R3-SN	Total GFA
Lot Coverage Calculation		193.92
Existing Dwelling Area	99.89	Front Yard Soft Landscaping
Proposed Dwelling Area	83.53	Front Yard Area
Proposed Porch & Stairs	8.93	Front Porch and Stairs
Total	192.35	Driveway & Walkway Area
Total Coverage	29.72%	Total Soft Landscape Area
		50.01%

Key Plan

Legal Information

PLAN OF SURVEY OF LOTS 141
REGISTERED PLAN No. 517
TOWN OF AURORA
REGIONAL MUNICIPALITY OF YORK

Climactic Data

Location: Aurora
Design Snow Load (9.4.2.2.): 1.50 kpa
Wind Load (q50) (9.4.2.2.): 0.44 kpa

Scope of Work

Interior Alteration and two story addition on
right side of existing house.

Siteplan Notes

- All working drawings submitted to the Building Division as part of a Building Permit application shall be in conformity with the approved site plan drawings as approved by the Development Services Division.
- The Owner is responsible for ensuring that tree protection hoarding, placed at the drip line of the trees, is maintained throughout all phases of demolition and construction in the location and condition as approved by the Planning and Building Division. No materials (i.e. building materials, soil, construction vehicles, equipment, etc.) may be stockpiled within the area of hoarding.
- All utility companies will be notified for locates prior to the installation of the hoarding that lies within the limits of the COB boulevard area.
- Should the installation of below ground services require hoarding to be removed, Open Space staff (at: open.space@brampton.ca) are to be contacted prior to the commencement of such work. Should an Alternative service route not be possible, staff will inspect and document the condition of the vegetation and servicing installation in order to minimize damage to the vegetation.
- The Owner (or Applicant as applicable) will be responsible for the cost of any utilities relocations necessitated by the Site Plan Approval and Building Permit.
- The existing on-site drainage pattern shall be maintained.
- Grades must be met within 33% maximum slope at the property lines and within the site.
- The structural design of any retaining wall over 0.60 m (2.00 ft.) in height or any retaining wall located on a property line is shown on the Site Plan and Grading Plan and is to be approved by the Consulting Engineer for the project.
- The portions of the driveway within the municipal boulevard will be paved by the Owner at their own expense.
- At the entrances to the site, the municipal curb and sidewalk will be continuous through the driveway and a curb depression will be provided for each entrance.
- All proposed curbing at the entrances to the site is to terminate at the property line or at the municipal sidewalk.
- Construction materials are not to be put out for garbage collection.
- All damaged landscape areas will be reinstated with topsoil and sod following construction activity.
- Any COB boulevard trees damaged or removed are to be replaced with minimum 70mm caliper deciduous trees to the satisfaction of the COB at the owner's expense.
- All excess excavated materials will be removed from the site at the owner's expense.
- There are no existing or proposed easements on the property

General notes

1. All dimensions to be checked and verified on site prior to commencement of work. Any discrepancies shall be brought to the attention of permitguys prior to continuation of work.
2. The contractor shall take all precautionary measures under the occupational health and safety act as required by the ministry of labour.
3. All work shall be done in accordance with the minimum standards and specifications of the municipality's engineering department.
4. All work in the municipal road allowance shall meet the minimum standards and specifications of the municipality's engineering department. The contractor is required to obtain & pay for permit to work in municipal r.O.W.
5. Prior to the commencing any work on the installation of services & grading, an approved set of plans and specifications must be available on the job site and shall remain there while work is being done.
6. The owners of the utilities must be informed at least two weeks prior to construction on any existing municipal road allowance. All existing underground utilities within the limits of construction shall be located and marked. Any utilities, damaged or disturbed during construction, shall be repaired or replaced to the satisfaction of the governing body at the contractor's expense.
7. Prior to commencing any construction, all sewer outlet information, benchmarks, elevations, dimensions and grades must be checked by the contractor and verified and any discrepancies reported to the engineer.
8. The contractor is responsible for ensuring that there is no interruption of any surface or subsurface drainage flow that would adversely affect neighboring properties

permitguys.ca

1-32 Sky Harbour Drive,
Brampton ON L6Y 0C9
Tel: 416 479 9556
Email: info@permitguys.ca

Agent Name
Mati Zaman
Contact Information
X101, MZaman@permitguys.ca
Agent ID#
1001

The undersigned has reviewed and taken responsibility for this design, as well as having the qualifications and requirements mandated by the Ontario Building Code (O.B.C.) to be a Designer.
Qualification Information
Name
Registration Info. **Permitguys.ca Inc.** Signature
110882

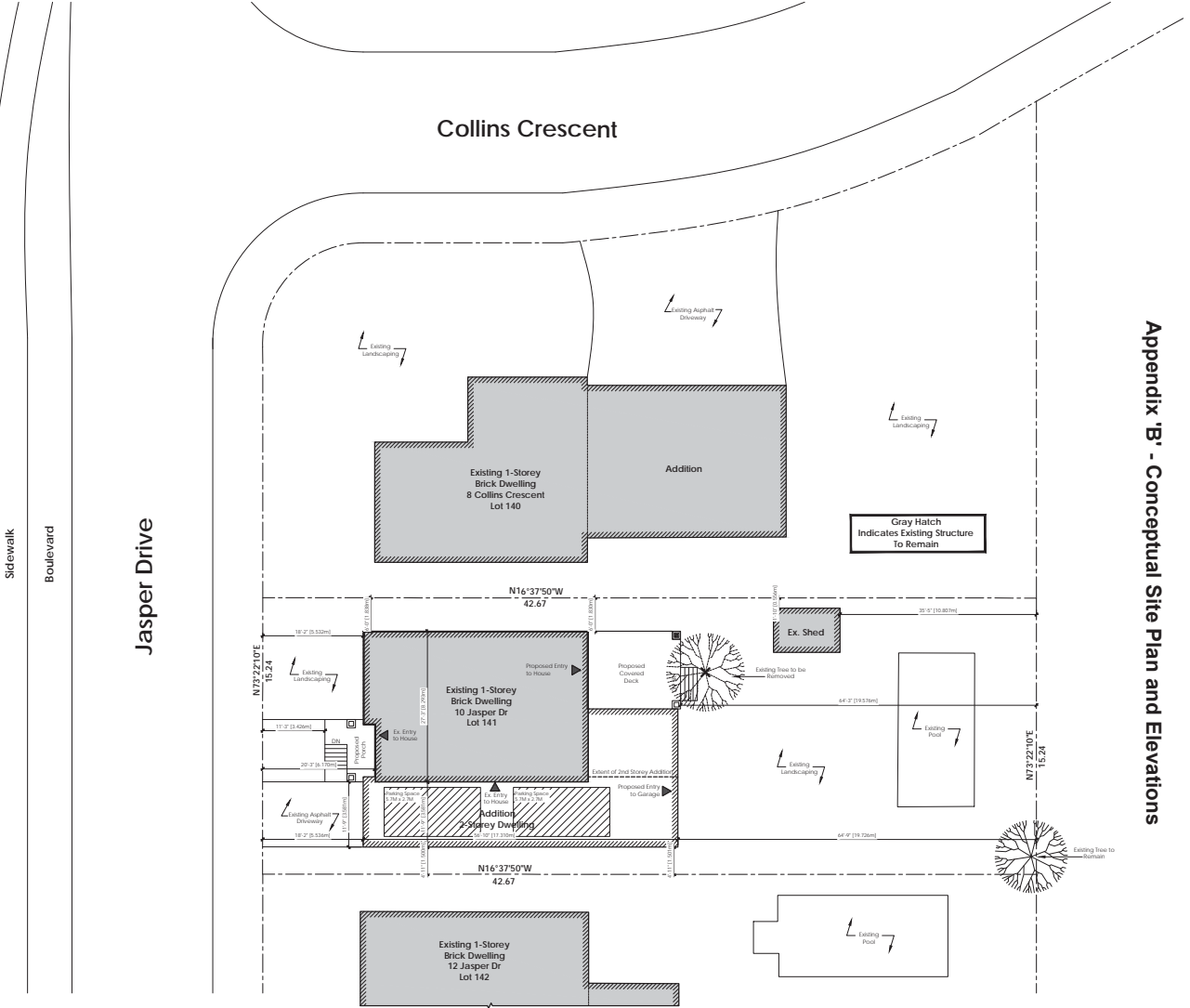
Title
Site Plan
Project Name
10 Jasper Dr

Project No. **20-26** Drawn By **KJ** Checked By **MZ** Date **2020-06-08** Scale **1:300**

Municipality
Aurora, ON
Filename
10 JASPER DR-V23

Sheet No.

A1



Int. Alterations & Rear / Side Yard Addition Permit



Proposed Front Elevation

permitguys.ca

1-32 Sky Harbour Drive,
Brampton ON L6Y 0C9
Tel: 416 479 9556
Email: info@permitguys.ca

Agent Name:
Mati Zaman
Contact Information
x101, mzaman@permitguys.ca
Agent ID#
1001

The undersigned has reviewed and taken responsibility for this design, as well as having the qualifications and requirements mandated by the Ontario Building Code (O.B.C.) to be a Designer.

Qualification Information

Name: **Permitguys.ca Inc.** Signature: **110882**

Title:
Proposed Front Elevation

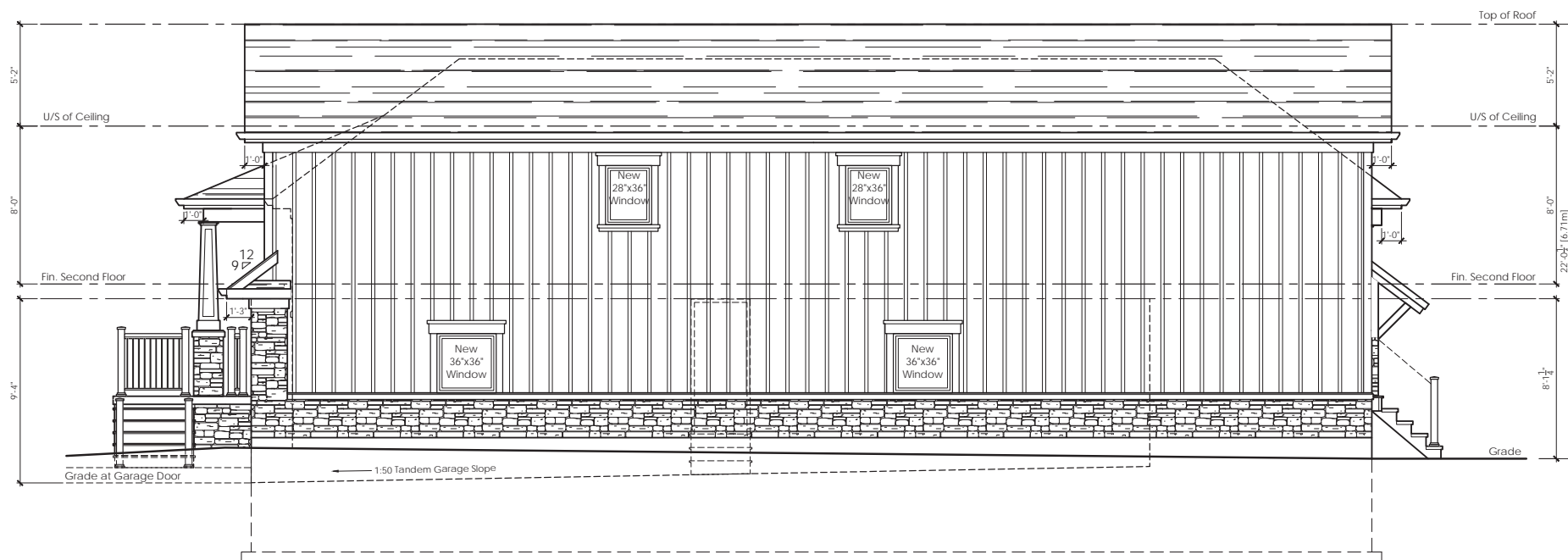
Project Name:
10 Jasper Dr

Project No. **20-26** Drawn By **KJ** Checked By **MZ** Date **2020-06-08** Scale **3/16"=1'0"**

Municipality
Aurora, ON
Filename
10 JASPER DR-V23

Sheet No.

A10



EXTENT OF SPATIAL
CALCULATIONS.
REFER TO WINDOW SUMMARY
FOR ADDITIONAL INFORMATION

SPATIAL CALCULATIONS		
Exposed Building Face	906.56	S.F.
	84.22	S.M.
Limiting Distance	1.50 M	
Max. % Openings	8.00	%
Openings Allowed	72.53	S.F.
Openings Provided	2.39	%
Window Area	21.66	S.F.

Proposed Right Side Elevation

permitguys.ca

1-32 Sky Harbour Drive,
Brampton ON L6Y 0C9
Tel: 416 479 9556
Email: info@permitguys.ca

Agent Name:
Mati Zaman
Contact Information:
x101, mzaman@permitguys.ca
Agent ID#:
1001

The undersigned has reviewed and taken responsibility for this design, as well as having the qualifications and requirements mandated by the Ontario Building Code (O.B.C.) to be a Designer.
Qualification Information:
Name: _____ Signature: _____
Registration Info: **Permitguys.ca Inc.** 110882

Title:
Proposed Right Side Elevation

Project Name:
10 Jasper Dr

Project No. 20-26 Drawn By KJ Checked By MZ Date 2020-06-08 Scale 3/16"=1'0"

Municipality:
Aurora, ON
Filename:
10 JASPER DR-V23

Sheet No.

A11



Proposed Rear Elevation

permitguys.ca
 1-32 Sky Harbour Drive,
 Brampton ON L6Y 0C9
 Tel: 416 479 9556
 Email: info@permitguys.ca

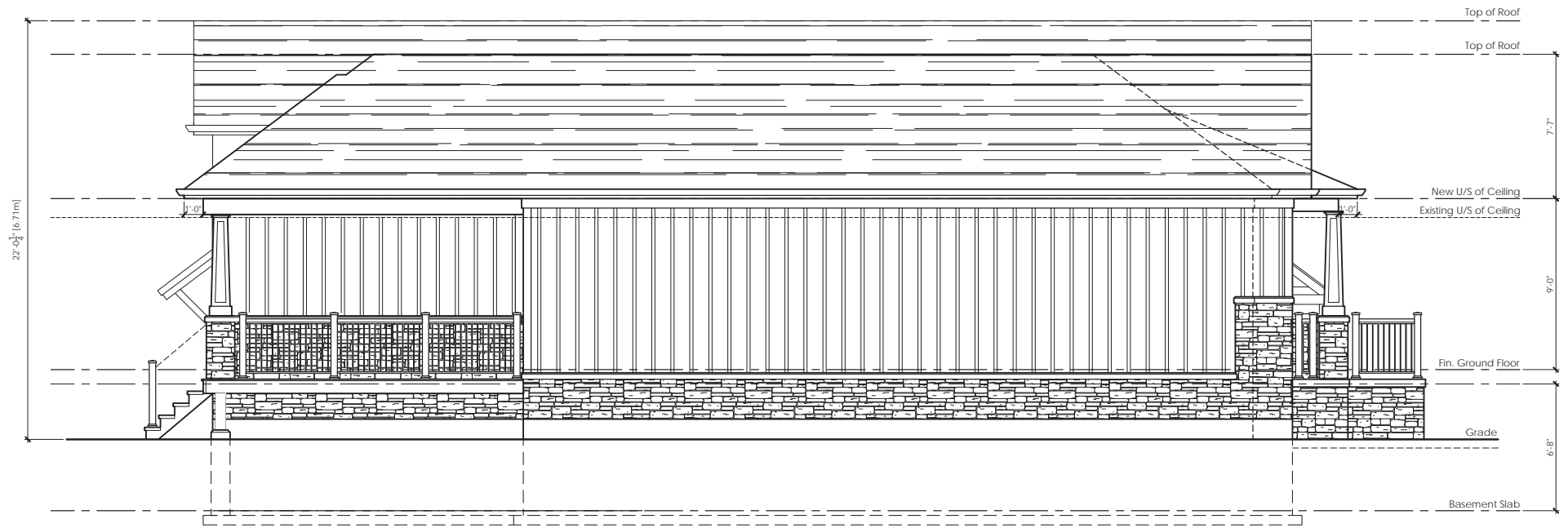
Agent Name:
Mati Zaman
 Contact Information:
x101, mzaman@permitguys.ca
 Agent ID#:
1001

The undersigned has reviewed and taken responsibility for this design, as well as having the qualifications and requirements mandated by the Ontario Building Code (O.B.C.) to be a Designer.
 Qualification Information:
 Name: _____ Signature: _____
 Registration Info: **Permitguys.ca Inc.** **110882**

Title:
Proposed Rear Elevation
 Project Name:
10 Jasper Dr
 Project No.: **20-26** Drawn By: **KJ** Checked By: **MZ** Date: **2020-06-08** Scale: **3/16"=1'0"**

Municipality:
Aurora, ON
 Filename:
10 JASPER DR-V23

Sheet No.
A12



Proposed Left Side Elevation

permitguys.ca

1-32 Sky Harbour Drive,
Brampton ON L6Y 0C9
Tel: 416 479 9556
Email: info@permitguys.ca

Agent Name:
Mati Zaman
Contact Information:
x101, mzaman@permitguys.ca
Agent ID#:
1001

The undersigned has reviewed and taken responsibility for this design, as well as having the qualifications and requirements mandated by the Ontario Building Code (O.B.C.) to be a Designer.

Qualification Information

Name: **Permitguys.ca Inc.** Registration Info: **110882** Signature: **110882**

Title:
Proposed Left Side Elevation

Project Name:
10 Jasper Dr

Project No.: **20-26** Drawn By: **KJ** Checked By: **MZ** Date: **2020-06-08** Scale: **3/16"=1'0"**

Municipality:
Aurora, ON

Filename:
10 JASPER DR-V23

Sheet No.

A13

COMMITTEE OF ADJUSTMENT STAFF REPORT

DATE: September 10, 2020

FROM: Carlson Tsang, Planner, Planning and Development Services

RE: Minor Variance Application
Charbonneau
64 Cousin Drive
File: MV-2020-17

1. APPLICATION

The owner is requesting the following relief from the requirements of the Town's Zoning By-law 6000-17, as amended, to permit the construction of an attached garage to an existing dwelling:

- a) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard setback of 1.5 metres. The applicant is proposing an attached garage with a west interior side yard setback of 0.6 metres.

2. BACKGROUND

Subject Property and Area Context

64 Cousin Drive is approximately 707.83 m² (7,619 ft²) in area and is located on the north side of Cousin Drive, east of Yonge Street and south of Wellington Street East. The surrounding area is an established residential neighbourhood characterized by one and two-storey single detached dwellings. There is a one-storey detached dwelling with a detached single-car garage on the property. Mature vegetation exist across the property including a large mature tree in the front yard.

Proposal

The applicant is proposing to demolish the existing detached garage and construct a 34.88 m² (375.44 ft²) integral garage on the west side of the dwelling. The requested variance is to reduce the minimum west interior side yard setback for the new garage addition. No trees are proposed to be removed.

Official Plan

The property is designated “Stable Neighborhoods” in the Official Plan which provides for single detached dwellings.

Zoning

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

The subject property is located within the Town’s Stable Neighbourhoods Area (include which area) which is subject to Site Plan Control. However, given the new addition is less than 50 m² (538.19 ft²) in size, it does not require Stable Neighbourhood Site Plan approval as per By-law 6106-18, as amended.

Preliminary Zoning Review

The applicant has completed a Preliminary Zoning Review (PZR) with the Town’s Building Division, prior to submitting the minor variance application, and the requested variance has been confirmed by this review.

3. REVIEW & COMMENTS

The application was circulated to applicable Town divisions and external agencies for comment. The following is a list of those who were circulated and comments provided:

Planning Comments

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

The existing detached garage has a west side yard setback of 0.1 m (0.32 ft). The applicant is proposing to build a new garage with a setback of 0.6 m (1.96 ft), which will improve the relationship with the adjacent property in terms of physical separation. The proposal will result in a built form that is more in line with the established building rhythm and setback pattern in the neighbourhood. Staff are of the opinion that the proposed development will enhance the attractiveness of the streetscape and therefore meets the general intent of the Official Plan.

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

The proposed garage will restore the functionality of the west side yard by increasing the side yard setback and providing reasonable space for access and maintenance. Engineering Staff have no concern with the variance respecting drainage. Staff are satisfied that the 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 garage will be appropriately screened by the large mature tree in the front yard and the tall bushes to the west. The new garage will be designed with a sloped roof to blend with the architectural style of main dwelling. Staff consider the overall size of the garage to be compatible with the main dwelling. Staff are of the opinion that the variance is desirable for the appropriate development of the property.

d) The Variance is considered minor in nature

The requested variance represents an improvement from the current condition as it will facilitate a new garage that is more in keeping with the setback pattern in the neighbourhood. The requested variance will also restore the functionality of the west side yard for drainage, access and maintenance. The garage will blend successfully with the main dwelling and will have minimal impact on the streetscape. To address concerns regarding potential damages to the existing vegetation, staff are recommending that approval be conditional on submission of an arborist report to the Town for review and approval. Considering the specific circumstances of the property, staff are of the opinion that the variance is minor in nature.

Other Department and Agency Comments

Department / Agency	Comments Provided
Building Division	Preliminary Zoning Review conducted to confirm the variance required for the proposed work.
Engineering Services	No concerns with the proposed variance.
Operational Services	An arborist report may be required as a condition of approval to assess the impact on existing vegetation and explore appropriate mitigation measures. The owner shall provide tree compensation and/or replanting for any tree removal in accordance with the Town's policy.

Alectra	No concerns with the proposed minor variance.
Central York Fire Services	No comments provided at the time of writing of this report.
Legal Services	No comments provided at the time of writing of this report.
York Region	No concerns with the proposed minor variance.
LSRCA	No concerns with the proposed minor variance.

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.

4. CONCLUSION

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 of the Planning Act.

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

5. ATTACHMENTS

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Drawings

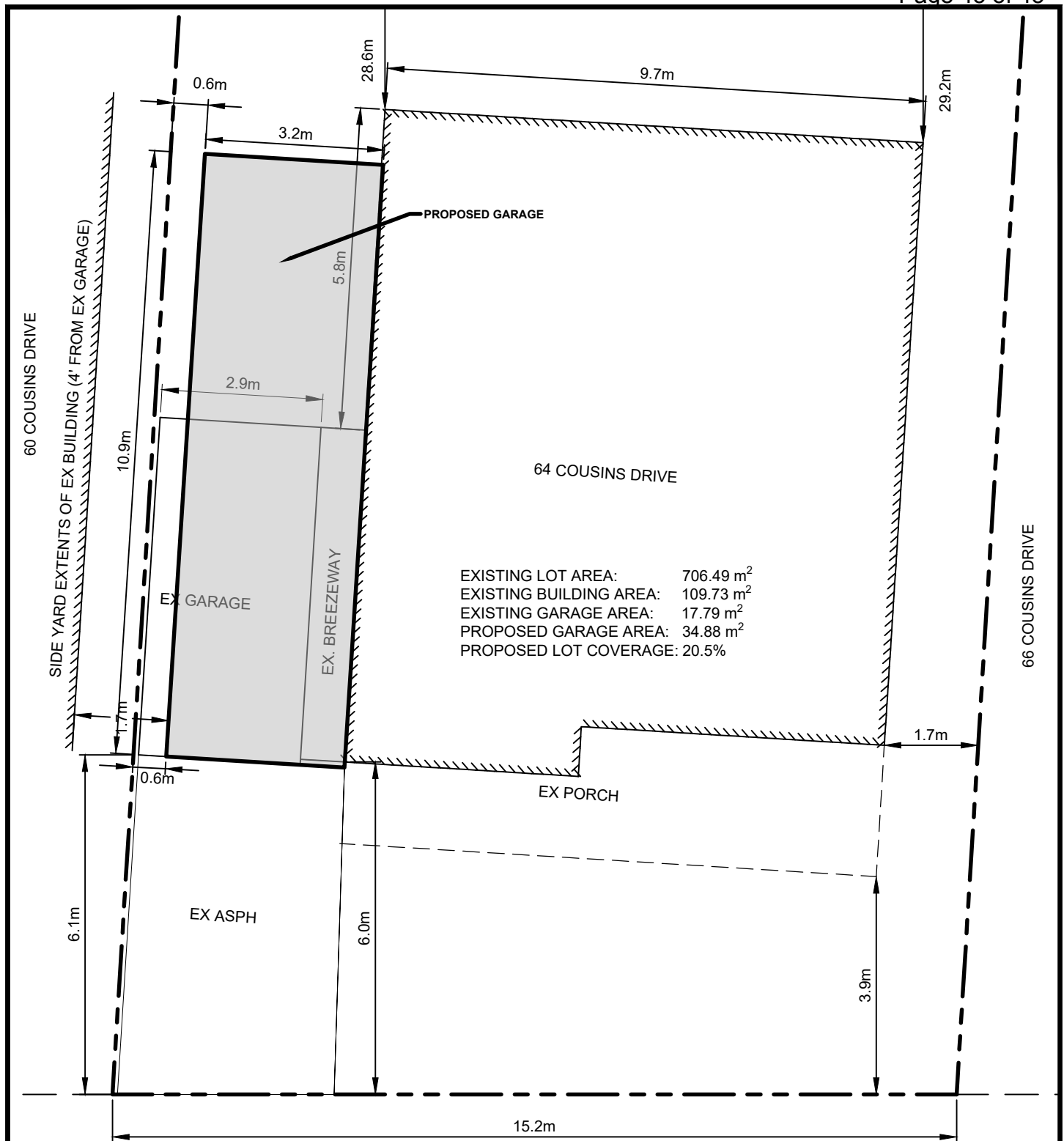
Appendix 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2020-17 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, to the satisfaction of the Director of Planning and Development Services or designate.
2. That the owner may be required to provide an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester for review and approval to the satisfaction of the Director of Operational Service or designate, outlining all aspects of the impacts that this proposal will have on existing and current remaining vegetation. The report shall include:
3. 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;
4. 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;
5. 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 or designate as compensation for trees removed to facilitate construction. Compensation planting shall be completed prior to release of the financial securities;
6. 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;
7. 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;

8. That condition #2-7 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.



PROJECT:

Garage Renovation

64 Cousins Drive, Town of Aurora

TITLE:

SITE LAYOUT PLAN

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WALTERFEDY

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SCALE: 1:100

DATE: 2020.08.27

DRAWN BY: R.K.

PROJECT NO.: 2020-0000-00

CHECKED BY: S.F.

FILE: 64 Cousins Drive

SHEET NO.:

SP-1