

# 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

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## 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 m<sup>2</sup> (7,619 ft<sup>2</sup>) 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 m<sup>2</sup> (375.44 ft<sup>2</sup>) 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.

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## 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 m<sup>2</sup> (538.19 ft<sup>2</sup>) 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.

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**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**

<b>Department / Agency</b>	<b>Comments Provided</b>
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

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

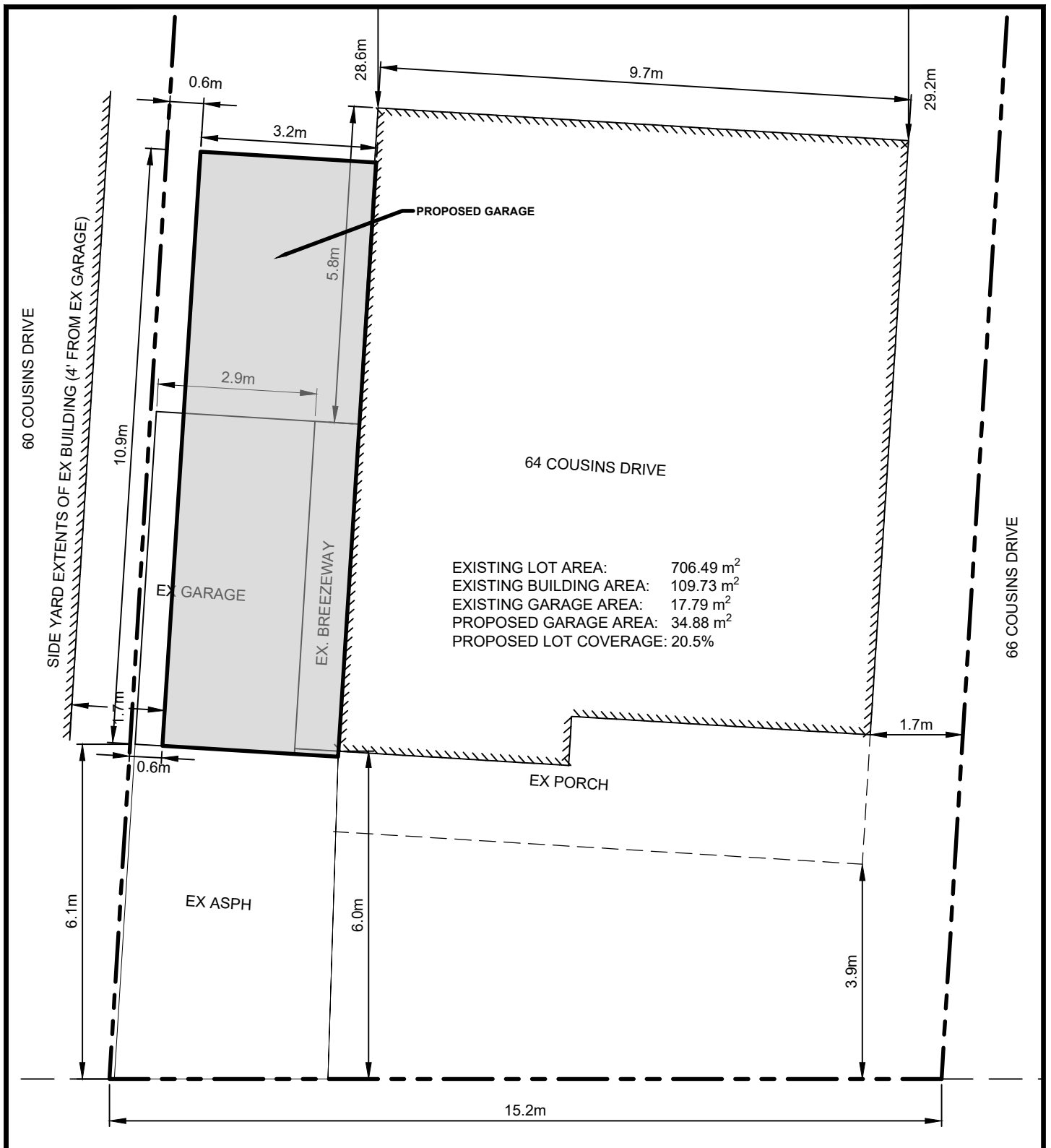
The following conditions are required to be satisfied should application MV-2020-17 be approved by the Committee of Adjustment:

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

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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**