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Town of Aurora
Committee of Adjustment Report
No. MV-2022-48

Subject: **Minor Variance Application**
Yu
15032 Yonge Street
PLAN 39 PT LOTS 39 AND 40
File: MV-2022-48

Prepared by: **Kenny Ng, Planner**

Department: Planning and Development Services

Date: March 9, 2023

Application

The applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate the conversion of an existing office use into commercial retail space. The first floor is proposed to be converted into a small pharmacy and general retail space, and the upper level is proposed to be converted to a health and wellness centre. A conceptual site plan is attached as Appendix 'B' to this report for further reference.

Proposed Variance

The following relief is being requested:

- a) Section 5.4 of the Zoning By-law 6000-17 requires 10 parking spaces for the 1st floor use and 7 parking spaces for the 2nd floor use for a total of 17 required parking spaces. The applicant is proposing 13 parking spaces, thereby requiring a variance of 4 spaces.

Background

Subject Property and Area Context

The subject lands are municipally known as 15032 Yonge Street and are located on the west side of Yonge Street, just north of Kennedy Street West. The subject lands have an

approximate lot area of 1,221.2 square metres (13,145.4 square feet), and an approximate lot frontage of 30.42 metres (99.8 feet) onto Yonge Street. The subject lands currently contain a two-storey structure, and ample vegetation. Access to the property is provided through the rear, from Kennedy Street West.

Surrounding Land Uses

The surrounding land uses for the subject property are as follows:

North and South: Residential neighbourhoods, with a mix of commercial uses fronting along portions of Yonge Street

East: Mix of commercial uses fronting along Yonge Street, the Chartwell Park Place Retirement Residence, and then additional residential neighbourhoods further east

West: Residential neighbourhood area

Official Plan

The subject lands are designated 'The Aurora Promenade' by the Town of Aurora Official Plan and are further designated 'Downtown Shoulder' in the Aurora Promenade Secondary Plan Area.

The purpose of the 'Downtown Shoulder' designation is to help promote a vibrant, mixed-use and pedestrian oriented area. Specialty shops, retail, offices and restaurants are all encouraged, as well as the introduction of more residential uses, to promote the development of complete community areas with access to services and amenities.

Zoning

The subject lands are zoned 'Promenade Downtown Shoulder Special Mixed Density Residential - PDS4(354)' by Zoning By-law 6000-17, as amended. The proposed commercial/retail and wellness centre use are permitted.

Preliminary Zoning Review

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

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

As stated on the application form, *"We are proposing 13 parking spaces whereas the bylaw requires 10 parking spaces for the 1st floor use and 7 parking spaces for the 2nd floor use for a total of 17 required parking spaces."*

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2022-48 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 'Downtown Shoulder' Designation permits small-scale retail and service commercial uses, and policies also further encourage these uses to be located at grade on lands with frontage along Yonge Street. The proposed variance will support an at-grade commercial/retail development facing Yonge Street, which will provide residents with convenient access to a local retail amenity. This in turn will also contribute directly to local economic vitality as well as community health and wellness, given the nature of the pharmacy and health centre uses.

Official Plan policies also restrict the locations of parking lots by permitting them within the rear yard and/or interior side yard only, as this property has done. It is therefore not recommended to further expand the existing parking area towards Yonge Street, as this will impact the streetscape and pedestrian mobility. Despite the deficiency in parking spaces, it is not expected to generate any significant impacts to the functionality of the subject site, particularly since the property is accessible by public transit, is part of a Regional Corridor, and as part of the Aurora Promenade is planned long-term as a pedestrian oriented mixed use centre. In considering the context of Official Plan policies, the variance requested is not anticipated to have any negative impacts or non-conformities.

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 general intent of the parking space requirement is to ensure that sufficient parking spaces are provided to meet the needs of the proposed facilities and that vehicle spillover will not occur for overcrowding the subject site.

The applicant submitted a Parking Justification Study prepared by CGE Transportation Consulting, dated January 23, 2023, which concluded that the proposed parking spaces are adequate. This review was performed based on a review of adjacent road area network, proxy surveys undertaken at other comparable properties and assessment of non-auto mode of transportation. Based on the findings of this study, the proposed vehicle parking supply for the development is expected to adequately accommodate peak parking demand at the site. As determined by Town transportation staff, the letter provides sufficient evidence that the reduction in parking spaces is not anticipated to

result in negative impacts on the development and the operation of the proposed uses, nor will there be any negative impacts to the surrounding areas.

Furthermore, the development provides for the required barrier-free vehicle parking space. The surrounding area is also accessible by transit and is highly walkable, thus further reducing the need for parking spaces as part of the aforementioned Aurora Promenade mixed-use area.

Staff are of the opinion that the requested variance meets the general intent of the Zoning By-law.

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

The proposed variance is considered desirable for the appropriate development of the land in the context of the site and the adjacent neighbourhood.

The parking study sufficiently demonstrates that the proposed spaces are satisfactory in accommodating the parking needs of the site and the proposed uses. The study has been reviewed by the Town's Traffic/Transportation analyst and no traffic related concerns have been raised. It is the opinion of staff that the reduced parking spaces are sufficient to accommodate the proposed commercial/retail and wellness centre uses.

Additionally, the introduction of these uses fulfills a community amenity need and helps contribute to the mixed use development and character of the Aurora Promenade area.

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

d) The proposed variance is considered minor in nature

In considering the impact and scale of the requested variance, it is considered to be minor as the parking space shortfall is minimal and staff are of the opinion that the proposed spaces are able to sufficiently meet the future site needs as demonstrated in the parking study. The site is also located in close proximity with the Aurora Downtown core, which leads to the possibilities for alternative, non-automobile oriented transportation to access the site. The functionality of the site will not be negatively affected by the proposed variance, while circulation, ease of access, safety and screening are upheld.

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 November 08, 2022 to confirm the variance required for the proposed development.
Engineering Division (Traffic/Transportation)	Comments provided stating no objection with proposed variance application (dated February 21, 2023)
Operational Services (Parks)	Comments provided stating, "The application does not reference impact to existing trees, however there are trees situated on the subject property/adjacent property that may require protection due to potential impacts related to excavation or construction." (dated February 13, 2023) See Appendix 'A' for parks recommended conditions of approval.
Operational Services (Public Works)	Comments provided stating no comments/concerns with proposed application (dated February 10, 2023)
Central York Fire Services	Comments provided stating no comments/concerns with proposed application (dated February 9, 2023)
York Region	Comments provided stating no comments/concerns with proposed application (dated February 15, 2023)
LSRCA	No comments received at the time of writing this report.
Alectra	No concerns with the proposed minor variance (dated February 9, 2023)
Heritage	Property is individually designated under Part IV of the Ontario Heritage Act (By-law 4845-06.R). Should any exterior work be done impacting the heritage

Department or Agency	Comments
	features of the structure as listed in the designating by-law, a heritage permit will be required, which will be reviewed as part of any subsequent building permit review process (dated February 9, 2023)

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 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 for the 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

The following conditions are required to be satisfied should application MV-2022-48 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; and,
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. 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. and,
3. 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. and,
4. 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. and,
5. 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, and,
6. That the Owner shall enter into a Letter of Undertaking including conditions 2 to 5 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,
and,

7. That the Owner shall obtain any necessary heritage permit approval or clearance as required.