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Town of Aurora
Committee of Adjustment Report
No. MV-2022-50

Subject: Davidson
24 Hunters Glen Road
Lot 19, Registered Plan M70
File: MV-2022-50

Prepared by: Adam Robb, MPL, MCIP, RPP, CAHP, Senior 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 construction of a new single detached dwelling and swimming pool. A site plan for the proposal is included as Appendix 'B' to this report.

Proposed Variances

The following relief is being requested:

- a) Section 14.1.2 (ii) of the Zoning By-law states that no development or site alteration shall occur on that portion of said lot that is within a natural heritage feature area, without relief from the Zoning By-law. The applicant is proposing to construct a new single detached dwelling and pool within a feature area.
- b) Section 14.1.3 (i) of the Zoning By-law states that no development or site alteration shall occur on that portion of said lot that contains a minimum vegetation protection zone, without relief from the Zoning By-law. The applicant is proposing to construct a single detached dwelling and pool within a woodland minimum vegetation protection zone.
- c) Section 14.4.1 (i) of the Zoning By-law states that the net developable area of the site that is disturbed shall not exceed 25% of the total site area within a Category 1 Landform Conservation Area. The applicant is proposing a disturbed area of 35.9%, thereby requiring a variance of 10.9%.

- d) Section 14.4.1 (ii) of the Zoning By-law states the net developable area of the site that is impervious shall not exceed 15% of the total site area within a Category 1 Landform Conservation Area. The applicant is proposing an impervious area of 19.3%, thereby requiring a variance of 4.3%.
- e) Section 7.2 of the Zoning By-law permits a maximum height of 10.0 metres. The applicant is proposing to construct a two-storey detached dwelling with a height of 11.2 metres, thereby requiring a variance of 1.2 metres.

Background

Subject Property and Area Context

The subject property, municipally known as 24 Hunters Glen Road, is part of an established estate residential subdivision generally located to the northeast of the intersection of Yonge Street and Bloomington Road. The subject lands are approximately 0.8 hectares in size (2 acres) with a lot frontage along the north side of Hunters Glen Road of approximately 85 metres. The property has a depth of over 100 metres and contains woodland areas, particularly along the north and eastern boundaries. Additional landscaped trees are also present along the western boundary, which separate the driveways of the subject property and the neighbour to the west.

Currently, the property contains a single detached estate dwelling with a built footprint of approximately 350 square metres. This existing dwelling is proposed to be replaced as part of the subject redevelopment of the site.

Surrounding Land Uses

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

North: Woodland area, and further north is the Beacon Hall Golf Club.

South: Estate Residential single detached dwellings.

East: Estate Residential single detached dwellings, with 22 Hunters Glen Road being the immediate property adjacent along the eastern lot boundary.

West: Estate Residential single detached dwellings, with 26 Hunters Glen Road being the immediate property adjacent along the western lot boundary.

Proposal

The applicant is proposing to demolish the existing residential dwelling on the property and replace with a new, 2-storey single detached dwelling and swimming pool.

The proposed new dwelling has a lot coverage of approximately 600 square metres, with a pool located at the rear of the property to the north. The proposed dwelling complies with all the required Estate Residential zone setback requirements of the Town's Zoning By-law.

The proposed new dwelling features an extensive entry walkway complete with landscaping along the front and side yards. This entrance walkway is interlocked, with adjoining walkway paths generally navigating around the perimeter of the dwelling. Various staircases are also proposed along this path to account for changes in grade, particularly at the rear portions of the property. Existing access to the site is being maintained through the current driveway entrance at the road, but the driveway itself and garage is being relocated to the eastern side of the property, as shown in the attached Appendix 'B'. Various parking pads and automobile courts are also proposed through the driveway area, with the garage featuring a ramp for access.

Both neighbouring properties to the east and west are heavily screened by landscaping, including woodland area further to the east. Additional landscape screening also exists along the southern boundary closest to Hunters Glen Road.

Official Plan

The subject lands are designated as "Estate Residential" and "Environmental Protection Area" in the Town of Aurora Official Plan (OPA 34). The majority of the property is considered "Estate Residential", with portions along the north /northeastern boundary being designated "Environmental Protection Area" due to the associated woodlands. Scheduled E1 of the Town's Official Plan delineates this Woodland area as well as the respective minimum vegetation protection zone, this being 30 metres.

Zoning

The subject lands are zoned "Estate Residential (ER)" in the Town of Aurora Zoning By-law 6000-17. The ER zoned is characterized by large lots and setbacks as part of an extremely low density residential setting.

Related Planning Applications

None.

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 reasons for not complying with the Zoning By-law

As stated on the application form, "the sloped site makes it difficult to comply with the height, a unique garage ramp design makes it difficult to comply with the net developable/impervious area, and [all of] the site is designated as part of the Oak Ridges Moraine Settlement Area – there is no reasonable way to push the building out of this boundary".

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2022-50 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 intent of the "Estate Residential" designation is to ensure a low density residential setting is maintained, and the intent of the "Environmental Protection Area" designation is to protect local natural heritage features from adverse impact. The proposed application retains the low density single detached use and has sufficiently demonstrated that it can occur without resulting in negative impacts to local natural heritage features or systems.

An Environmental Impact Study (RiverStone Environmental Solutions, January 2023) was prepared in support of the application, which details additional mitigation measures that are to be implemented, which have been made a condition of approval. This study evaluated the proposed development and a radius of 120 metres around all limits of the development footprint to ensure appropriate consideration for natural heritage features and functions.

The study recognized that the existing dwelling is already located within the minimum vegetation protection zone, and that the existing woodland feature on the property represents regeneration following past clearance. No development is occurring within the portions of the property specifically designated as "Environmental Protection Area", as development is only proposed within the minimum vegetation protection zone and related buffered area, but this still triggers the required variances. As an edge of habitat

these areas are not dominated by non-native tree and groundcover species, and these edges do not provide important natural heritage functions. An additional Arborist Report was prepared and submitted alongside the application, which indicated there were no Butternut Trees on the subject property. The Environmental Impact Study specifically recommends planting 30 new trees in the southeastern portion of the property, as well as other mitigation measures such as tree protection fencing. Implementation of the recommendations of the Environmental Impact Study has been made a condition of minor variance approval, thus ensuring the development will result in no negative impacts on the natural heritage features.

The property and surrounding area are also located within a significant groundwater recharge area, and per the Lake Simcoe Protection Plan, will be required to provide a stormwater management report, phosphorus budget and water balance assessment prior to building permit issuance. The requirement for these studies and implementation of their recommendations has also been made a condition of approval of the subject variance application. Given the ability to implement low impact development strategies as part of the development, the proposal is not anticipated to generate disturbances significantly greater than what currently exists on site, but again requiring the aforementioned studies as a condition of approval provides further assurances of no potential negative impacts occurring.

The entire site and general larger area as part of OPA 34 is also considered Oak Ridges Moraine - Settlement Area. Being Settlement Area, the lands are intended to accommodate settlement area uses such as residential dwellings. The entire site, including the existing dwelling and surrounding neighbourhood are all also considered part of the Category 1 Landform Conservation Area. The submitted Environmental Impact Study evaluated the site and area for significant valleylands, with none being identified on the subject property or directly adjacent. The proposal is not considered to result in disturbances that will significantly impact the landform character of the property or surrounding area, with the proposed design actually accommodating for various slopes, changes in grade, and landform characteristics.

Overall, staff are of the opinion that the requested variances meet the general intent of the Official Plan, and again are further satisfied given the fact that no adverse natural heritage impacts are anticipated as provided through the accompanying Environmental Impact Study, and that additional conditions of approval have been developed to ensure no other negative impacts result from the proposal (as per the attached Appendix 'A').

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

The intent of the Estate Residential zone is to maintain a low density residential setting with large setbacks and lot areas. The subject proposal is requesting an increase in height specifically due to changes in grade that exist on the property. The view from the front elevation still represents a generally modest 2-storey residential dwelling, that would otherwise meet the required height provision, if not for the requirement to measure height based on average grade. The grade slopes at the rear of the property, and the increase in height will not result in any negative impacts to the streetscape or neighbouring properties, also due to the large setbacks and lot area that exist, as well as ample landscape screening.

Additionally, the impervious area calculation and requested variance is also a result of accommodating certain site constraints, such as slopes and grading concerns, which resulted in the need for staircases and garage ramps, for example. Additionally, the impervious area is complemented by new landscaping, and the total disturbed and impervious area represent minor increases that are not anticipated to result in negative impacts to the property or surrounding area. As mentioned, additional study requirements have also been made a condition of approval with any mitigation or implementation recommendations of these studies to also be implemented.

Similarly, the Zoning By-law provisions related to the natural heritage features, minimum vegetation protection zones, and the Category 1 Landform Conservation Area exist to ensure no negative impacts as a result of development. The proposal has demonstrated no negative impacts will arise, specifically with recommendations on mitigation to be implemented as per the submitted Environmental Impact Study and related conditions of approval.

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 variances are considered desirable for the appropriate development of the land as they permit the redevelopment of a residential dwelling with no anticipated undue adverse impacts on local natural heritage features or systems, nor any negative impacts to the public realm or streetscape. The property is not part of the LSRCA Regulated Area, and appropriate conditions have been developed as per the attached Appendix 'A'. As an Estate Residential parcel with a large lot and setbacks, the property is an appropriate location for the new dwelling, and the redevelopment offers an

opportunity for mitigation and enhancement opportunities to be implemented on the site, including new tree planting.

Staff are of the opinion that the requested variances are considered desirable for the appropriate development of the property, and given the listed conditions under Appendix 'A', are satisfied with approval of the subject application.

d) The proposed variance is considered minor in nature

The proposed variances are minor in nature by being able to facilitate the replacement of an existing single detached dwelling that is already currently located in a minimum vegetation protection zone and within a Category 1 Landform Conservation Area. As an Estate Residential area with substantive landscape screening, visual and streetscape impacts of the proposed development are limited, and further, an evaluation of natural heritage features has been conducted to demonstrate no negative impacts with the resulting recommendations of the submitted Environmental Impact Study being made a condition of approval. The requested variances are largely a result of conditions that the existing dwelling was built on.

Staff are of the opinion that the requested variances are minor in nature, and additionally, the appropriate conditions have been developed as outlined in Appendix 'A' to ensure no resulting negative impacts.

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 December 2, 2022, to confirm the variances required for the proposed development.
Engineering Division	No comments/concerns with the proposed application (February 17, 2023)
Operational Services (Parks)	Conditions provided as per the attached Appendix 'A' (February 13, 2023)
Operational Services (Public Works)	No comments/concerns with the proposed application (February 13, 2023)
Central York Fire Services	No comments/concerns with the proposed application (February 9, 2023)

Department or Agency	Comments
York Region	No comments/concerns with the proposed application (February 17, 2023)
LSRCA	Comments provided indicating a stormwater management report, phosphorus budget and water balance assessment be required, which have been made a condition of approval.
Alectra	No comments/concerns with the proposed application (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 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 for the granting of minor variances, subject to conditions. 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-2022-50 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 recommendations of the accompanying Environmental Impact Study dated January 2023 and prepared by RiverStone Environmental Solutions Inc. (listed under section 5 of the Study) be satisfied per the discretion of the Director of Planning and Development Services or their designate.
3. That a stormwater management report, phosphorus budget and water balance assessment be completed, and any related recommendations of the aforementioned studies be implemented to the satisfaction of the Director of Planning and Development Services or their designate, as required under the provisions of the Lake Simcoe Protection Plan.
4. That the owner shall 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.
5. 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.

6. 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.
7. 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.
8. 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.
9. 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