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Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2023-06

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**Subject:** Lam  
120 Championship Circle Place  
Lot 28, Registered Plan 65M-3931  
File: MV-2023-06

**Prepared by:** Mark Chuang, Planner

**Department:** Planning and Development Services

**Date:** March 9, 2023

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## Application

The applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate a glass sunroom addition to an existing two-storey detached dwelling. The proposed addition has a height of 4.2 metres (13 feet 9 inches), and a gross floor area of 39.97 square metres (430 square feet). The sunroom addition is located at the rear portion of the property. A site plan for the proposal is included as Appendix 'B' to this report.

## PROPOSED VARIANCE

The following relief is being requested:

- a) Section 24.276.2.2 of the Zoning By-law requires a minimum rear yard setback of 7.5 metres. The applicant is proposing a sunroom addition, which is 4.87 metres to the rear property line, thereby requiring a variance of 2.63 metres.
- b) Section 7.2 of the Zoning By-law permits a maximum lot coverage of 35.0%. The applicant is proposing an addition to the existing dwelling resulting in a lot coverage of 37.9%, thereby requiring a variance of 2.9%.

## Background

### Subject Property and Area Context

The subject property, municipally known as 120 Championship Circle Place, is located on the north side of Championship Circle Place. The property currently contains a two-storey

detached dwelling with a lot area of around 756m<sup>2</sup> (8,138 ft<sup>2</sup>) and an approximate lot frontage of 20.69 metres (67 feet 11 inches). The surrounding neighbourhood is residential and generally characterized by two-storey dwellings with sizable backyards.

### **Surrounding Land Uses**

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

**North:** Residential single detached dwellings

**South:** Residential single detached dwellings, Elderberry Trail

**East:** Residential single detached dwellings, Yonge Street

**West:** Residential single detached dwellings

### **Proposal**

The owner is proposing a glass sunroom addition at the rear of the existing two-storey detached dwelling. The proposed sunroom addition has a height of 4.2 metres (13 feet 9 inches), and a gross floor area of 39.97 square metres (430 square feet).

### **Official Plan**

The subject property is designated "Cluster Residential" in the Town of Aurora's Official Plan, under Secondary Plan OPA 34. Permitted uses in a Cluster Residential designation include single detached dwellings, semi-detached dwellings, linked housing, and townhouses, as accommodating a predominantly ground-related residential setting. Lots within the Cluster Residential designation are intended to preserve a minimum of 40% of the lot area in an open, landscaped condition.

### **Zoning**

The property is zoned R2 (276) "Detached Second Density Residential 276 Exception Zone", which permits detached dwellings.

The Exception Zoning was approved by Council to facilitate the development of the overall subdivision area. The parent R2 zone generally requires larger lot areas and setbacks than the site specific 276 exception zone, with the site specific exception zoning being able to facilitate a generally denser built form in line with the Cluster Residential Official Plan designation. The R2 zoning is generally considered only slightly more dense

than the Estate Residential and R1 zone categories, and is still largely representative of a low-density, ground oriented neighbourhood setting.

### **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, "Due to the size and orientation of the proposed sun room, lot coverage and rear yard setback will not comply."

### **Planning Comments**

Planning Staff have evaluated Minor Variance Application MV- 2023-06 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 "Cluster Residential" Official Plan designation is to accommodate ground-orientated housing in a manner that is still sympathetic to landscaping and open space area. The approval of the original plan of subdivision for the community accounted for the principles of the Cluster Residential designation by reserving areas of open space and natural features as part of the larger subdivision area. Individual lots within the Cluster Residential designation are also required to preserve a minimum of 40% of the lot area in an open, landscaped or natural condition.

The requested variances align with the intent of the Official Plan and Cluster Residential designation by still respecting the natural, landscaped, and open space area of the lot. The proposed lot coverage of 37.9% is well within the Official Plan requirement, with landscaped area, sodding and open space being preserved in all yards. Additionally, the proposed sunroom will be screened by landscaping that currently exists along the eastern and rear property boundaries. As a rear addition, views from the public realm will not be impacted.

Staff are of the opinion that the general intent of the Official Plan is maintained.

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

The intent of the minimum rear yard setback is to ensure that adequate setbacks on a lot are provided for privacy, landscaping, access, and drainage. The requested variance in rear yard setback is largely a result of the angled property boundary at the northern rear

extent of the lot. The proposed variance allows the applicant to keep uniform alignment of the proposed deck and sunroom, which represents the appropriate lotting of the site. There are also no anticipated drainage concerns from the proposal, however the appropriate conditions have been included under Appendix 'A' to ensure such. Screening of the sunroom will also be maintained by existing hedges and trees. Staff included a condition of approval to ensure that proper mitigations are in place to ensure the protection of the adjacent neighbouring vegetation during the construction of the proposed sunroom.

The intent of the lot coverage provision is to ensure buildings do not dominate the landscape, and maintaining appropriate green space for drainage purposes. The requested variance in lot coverage represents a minor increase and is not considered excessive. The property still contains significant green space and open area and there are no anticipated impacts to the public realm, as this is a rear addition that does not impact the overall scale of the dwelling. As discussed above, Engineering staff has no concerns from a drainage perspective.

Staff are of the opinion that the requested variances are in keeping with the intent of the Zoning By-law.

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

Staff are of the opinion that the proposed addition will not negatively impact the existing neighbourhood character. Side yard setbacks are still maintained and respected by the proposal, and ample green space and landscaping is provided on the lot and across property boundaries such that privacy concerns are alleviated. The proposal allows for the uniform and consistent alignment of the deck and the sunroom, which represents the appropriate and desirable lotting of the site. Sightlines from the rear yards of other properties will also be protected by landscaping, and the sunroom ultimately shelters a hot tub, which will assist in noise dampening.

Staff are of the opinion that the requested variances is desirable for the appropriate development of the land.

**d) The proposed variance is considered minor in nature**

The proposed variances are not anticipated to result in negative impacts to the neighbourhood or abutting properties. The side yard setbacks are still respected by the proposal, with the encroachment in the rear yard largely being due to the angled property boundary. Adequate separation is still provided to neighbouring properties such that no negative impacts are anticipated. The lot coverage of the site is also such that it does not represent the excessive overdevelopment of the property or loss of green space.

Circulated agencies have indicated no objections with the proposal, with the appropriate conditions of approval specifically to ensure adequate drainage and protections of trees included as per the attached Appendix 'A'.

As such, Staff are of the opinion that the requested variance is minor in nature.

### Additional Comments

The minor variance application was circulated to Town Department/Divisions and to external agencies for review and comment. The following comments were provided:

Department or Agency	Comments
Accessibility	No objections.
Building Division	Preliminary Zoning Review was completed on February 17 2023.
Engineering Division	No objections, with appropriate conditions included in Appendix 'A'.
Operational Services (Parks)	There is a hedge situated on the property boundary/adjacent that may be impacted by excavation or disturbance due to construction. See appropriate conditions included in Appendix A.
Operational Services (Public Works)	No objections.
Transportation	No objections.
Central York Fire Services	No objections.
LSRCA	No objections.
York Region	No objections.
Alectra	No objections.

### 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 granting of minor variances. Staff recommend approval of the requested variance, subject to the conditions outlined in Appendix 'A'.

## **Attachments**

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan and Elevations

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

The following conditions are required to be satisfied should application MV-2022-49 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 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.
3. In addition the report shall include a schedule of monitoring the ongoing site work through a series of scheduled site visits by the Arborist / Forester during and post construction to ensure the vegetation preservation measures remain in compliance throughout the project, each site visit to be documented and any resulting action items required by the Arborist /Forester shall be implemented and confirmed on site forthwith by the Arborist /Forester following each visit.
4. The owner may be required to provide vegetation compensation and a replanting plan in accordance with the Town of Aurora TREE REMOVAL/PRUNING AND COMPENSATION POLICY to the satisfaction of the Director of Operational Services as compensation for trees removed to facilitate construction. Compensation planting shall be completed prior to release of the financial securities.
5. The owner shall agree to comply with the Aurora Tree Permit By-law # 5850 -16 prior to the removal of any trees on the property.
6. The owner shall agree to provide financial securities based on the total value of the Tree Compensation evaluation and all Arboriculture works as defined by the Town and the Owners Arborist/ Forester. To the satisfaction of the Director of Parks and Recreation.

7. All of the above shall be included as terms and conditions in a Letter of Undertaking with the Town of Aurora to guarantee compliance with the Conditions of Approval and all related site works.
8. That the applicant be aware and abide by the restrictive covenant regarding the infiltration structure.
9. That the infiltration structure be enlarged, if required by the restrictive covenant or as determined by the Town to compensate for the additional impervious area being proposed within the lot.