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Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2023-11

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**Subject:** **Minor Variance Application**  
RP Partners Aurora Limited  
15286 – 15306 Leslie Street  
File: MV-2023-09  
Related Applications: OPA-2016-03, ZBA-2016-07, SP-2020-06

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**Department:** Planning and Development Services

**Date:** April 13, 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 the approved inclusion of 15 additional units in each apartment building on site. The Ontario Land Tribunal approved the related Official Plan and Zoning by-law Amendment to permit a total of 345 units over three apartment buildings, with one apartment building (115 units) dedicated as affordable housing. The property contains two site specific zones, each with the same technical provisions, but with one site specific zoning being for the dedicated affordable housing building and subject to a Holding provision to ensure related affordable housing agreements are implemented.

The following relief is being requested over the property and the two site specific zones:

### Site Specific Zone RA2 (535) – Two apartment buildings:

- a) Section 24.535.2.1 of the Zoning By-law requires a minimum lot area per dwelling unit of 60.0 square meters. The applicant is proposing a lot area of 52.0 square meters per dwelling unit to accommodate the approved unit total being provided.
- b) Section 24.535.2.1 of the Zoning By-law only permits an amenity room above the 7th storey if it does not exceed 450 square meters. The applicant is proposing an amenity room with a GFA of 528 square metres, with the increase in size necessary to accommodate the approved unit total being provided.

**Site Specific Zone (H) RA2 (536) – One apartment building as affordable housing:**

- c) Section 24.536.2.1 of the Zoning By-law requires a minimum lot area per dwelling unit of 60.0 square meters. The applicant is proposing a lot area of 52.0 square meters per dwelling unit to accommodate the approved unit total being provided.
  
- d) Section 24.536.2.1 of the Zoning By-law only permits an amenity room above the 7th storey if it does not exceed 450 square meters. The applicant is proposing an amenity room with a GFA of 528 square metres, with the increase in size necessary to accommodate the approved unit total being provided.

**Background****Subject Property and Area Context**

The subject lands are municipally known as 15286 and 15306 Leslie Street. The property is generally located on the west side of Leslie Street, just north of Wellington Street East. The subject lands have an approximate area of 1.8 hectares (4.47 acres) and a frontage along Leslie Street of approximately 114.5 metres (375.7 feet).

Two single detached dwellings were previously located on the subject lands, one for each municipal address (15286 and 15306 Leslie), but they have since been demolished with permits issued by the Town. Official Plan and Zoning Bylaw Amendment approvals have also been issued for the subject lands with details on these previous applications provided below.

**Related Planning Application History**

The Ontario Land Tribunal approved the related site specific Official Plan and Zoning By-law Amendment in 2022. The site specific approvals for the lands were to facilitate the development of three, 7 storey apartment buildings each with a total of 115 units for an overall total of 345 units. Two site specific zoning categories exist over the lands. Although the same zoning provisions and standards apply, this was developed to account for two buildings under one site specific zoning, and the remaining building under its own site specific zoning. The building with its own site specific zoning is dedicating the entire 115 units for affordable housing as per section 37 of the Planning Act and the Town's Official Plan bonusing provisions.

Currently, the Site Plan Application (SP-2020-06) for the development of the lands is still under review. Originally, the architectural plans were based on 100 units for each apartment, but subsequent planning approval has been granted for 115 units per

apartment building as a means of accommodating more affordable housing opportunities on site, and thus the architectural plans were updated with the subject variances required.

## **Proposal**

The requested variances are necessary to account for the reduction of lot area per dwelling unit from 60 square metres (646 sq ft) to 52 square meters (560 sq ft) and an increase to the indoor amenity area from 450 square metres (4,844 sq ft) to 528 square metres (5,683 sq ft) for all three buildings on the site.

## **Official Plan**

### **Secondary Plan (OPA 30) with site specific policy #27**

As per the Ontario Land Tribunal decision dated August 26, 2022, the subject lands are designated as “Medium-High Density Residential”, and “Linear and Other Open Space”. The “Medium-High Density Residential” designation permits a range of above grade housing forms. The “Linear and Other Open Space” designation was developed to ensure the protection of the existing woodlot areas to the rear of the site. The following are clauses from site specific policy #27:

- I. The Subject Lands are permitted to be used for three (3) residential apartment buildings with a total of approximately 345 residential units to a maximum height of seven (7) storeys. Mechanical penthouses and amenity floor space above the 7th floor shall be permitted.
- II. Notwithstanding Policy 3.2.2(b) of the Bayview Northeast Area 2B Secondary Plan (OPA 30), a maximum gross density of generally 191 units per hectare, or 79 units per acre, and a maximum building height of seven (7) storeys is permitted. Mechanical penthouses and amenity floor space above the 7<sup>th</sup> floor shall be permitted.
- III. In accordance with Policy 4.5 (Bonusing) of OPA 30, Section 37 of the Planning Act shall be utilized for an appropriate public benefit in return for an increase in height and density. In accordance with Section 6.3 (Affordable Housing) of the Official Plan, the Town of Aurora has identified affordable housing as the Section 37 public benefit.
- IV. The implementing Zoning By-law amendment will establish site specific provisions by incorporating appropriate development standards for the Subject Lands.

- V. A holding provision in accordance with Section 36 of the Planning Act shall be implemented for a portion of the Subject Lands to allow for a portion of the site to be developed as affordable housing. The lands subject to the “H” may be acquired by the Region of York or another non-profit organization for the purpose of providing affordable housing.
- VI. The detailed design of the public realm and other site plan matters will be finalized to the satisfaction of the Town of Aurora prior to Site Plan Approval for the proposed development.

### Zoning

The subject lands are zoned “Second Density Apartment Residential Exception Zone 535 (RA2(535))”, “Holding Second Density Residential Exception Zone 536 (H)RA2(536)” and “Environmental Protection (EP)”. The Environmental Protection Zone designation refers to protection of the existing woodlots. The portion of the subject lands zoned as RA2(535) permits two apartment buildings with a maximum of 230 units. The portion of the subject lands zoned as (H)RA2(536) permits one apartment building with a maximum of 115 units. The holding provision only applies to (H)RA2(536), which can only be lifted and no development may occur until the following has been satisfied:

- a) Execution of the Section 37 Agreement between the Town and the Owner;
- b) Execution of the Site Plan Agreement between the Town and the Owner;
- c) One of the following:
  - i. Executed agreement between York Region Housing Inc. or another affordable housing provider and the property Owner; or

The Town uses the Section 37 contribution for other purposes and the Owner has made satisfactory arrangement to pay the Section 37 contribution.

Through the approval of this subject minor variance, the holding provisions as outlined above will largely be able to be satisfied, as the Site Plan Approval and Agreement can proceed, and affordable housing units can be provided in line with the approved Zoning and Official Plan Amendments with any necessary agreements able to be executed with the appropriate affordable housing provider.

## **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, "Variances requested are a result of 15 additional units approved for each building after the site-specific zoning by-law was approved".

## **Planning Comments**

Planning Staff have evaluated Minor Variance Application MV-2023-09 pursuant to the prescribed tests as set out in Section 45(1) of the *Planning Act*, as follows:

### **a) The proposed variances meet the general intent and purpose of the Official Plan**

The general intent and purpose of the Official Plan and site specific policy #27 is to allow for three apartment buildings on the site with 115 units each and provide opportunities for a range and mix of housing to accommodate growth and housing needs within the Town and Region at large. The proposed development will be able to accommodate 345 units, ranging in sizes, and also facilitate the development of much needed affordable housing opportunities for residents. The location of the proposal is also highly accessible by public transit, and close to both service and commercial amenities, while also representing an appropriate approved density. The requested variances also do not alter the location of the buildings on site or approved unit totals, as they are based on the updating of architectural plans in line with planning approvals. There is no new site alteration contemplated by the proposed and no impacts to local natural heritage or woodlots as a result of these variances.

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

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

The general intent and purpose of the maximum amenity area provision is to ensure appropriate amenity area is provided for residents without increasing the overall building height. There will be ample amenity space provided to satisfy the Zoning By-law requirement of 18 square metres being provided per unit, including both indoor and outdoor space. Increasing the amenity area as part of this variance application allows the future residents to have the appropriate access to amenity space on site, and is allowable per the height provisions of the approved development.

The general intent of the minimum lot area per dwelling unit provision is to ensure there is an appropriate and balanced ratio of land area on site to each apartment unit. The proposed density was discussed and approved at the Ontario Land Tribunal. It is Staff’s opinion that there is sufficient passive and active recreational space for residents, including through balconies and open space areas that compensates for the reduction in lot area per unit, and that the land area itself will not appear to be unbalanced by the proposed reduction.

Staff are of the opinion that the general intent and purpose of the Zoning By-law is maintained.

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

The proposed variances are desirable in that they are able to provide more affordable and diverse housing opportunities for residents. The development is located in a highly accessible location with access to goods, services and amenities, including public transit. The requested variance helps to achieve the Town’s, Region’s, and Province’s housing, growth, and intensification goals, while doing so in a manner the promotes complete communities. The increase of amenity area is also beneficial and desirable as part of providing passive and active recreational opportunities for residents. Visually the buildings and lot will be the same, as the changes are mainly occurring within the building itself with no change to the façades or overall balance of the lot area.

Staff are of the opinion that the variances are desirable and represent the appropriate development of the land.

**d) The proposed variances are considered minor in nature**

Given the discussion above, it is the opinion of Staff that the proposed variances are not anticipated to cause any unacceptable adverse impacts. There are adequate services and amenities to justify the reduction of minimum lot area per dwelling unit and the increased amenity area provides appropriate space for residents as per the OLT’s decision.

**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.

Department or Agency	Comments
Engineering Division	No Objections
Operational Services (Parks)	No Objections
Operational Services (Public Works)	No Objections
Central York Fire Services	No Objections
York Region	No Objections
LSRCA	No Objections. Condition listed in Appendix A.

### 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 Planning Act for granting of minor variances. Staff recommend approval of the requested variances.

### Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan, Elevations, Interior Plans

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

The following conditions are required to be satisfied should application MV-2023-09 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 pay the LSRCA Plan Review Fee in accordance with the approved Fees Policy (Note: payment is currently outstanding for the LSRCA review of the minor variance application of \$536.00 per the LSRCA 2023 Fee Schedule).