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Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2023-13

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**Subject:** Minor Variance Application  
Mainella  
96 Soleil Boulevard  
PLAN 65M4067 LOT 22  
File: MV-2023-13

**Prepared by:** Kenny Ng, Planner

**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 permit an accessory building (cabana) and a rear covered porch with a combined gross floor area of 69.3 square metres (745.94 square feet). A conceptual site plan and elevations are attached as Appendix 'B' to this report.

The following relief is being requested:

- a) Section 24.362.1.2 of the Zoning By-law requires a minimum setback of 2.0m from the side lot lines. The applicant is proposing an Accessory Structure, which is 1.9 m to the side lot line, thereby requiring a variance of 0.1 m.
- b) Section 24.362.1.3 of the Zoning By-law requires a minimum of 50% of the lot area be preserved in an open, landscaped or natural condition. The applicant is proposing more than 58% of the lot area as built or covered with impervious material, thereby requiring a variance of 8%.

## Background

### Subject Property and Area Context

The subject lands are municipally known as 96 Soleil Boulevard and are located on the south side of Soleil Boulevard, northeast of the intersection of Bloomington Road and Bathurst Street. The subject lands have an approximate lot area of 1,105.56 square

metres (0.27 acres), and an approximate lot frontage of 25.91 metres (85 feet). The property currently contains a two-storey single-detached dwelling with an approximate gross area of 297.94 square metres (3,207 square feet). The surrounding neighbourhood is residential and generally characterized by larger two storey dwellings. A high school (École secondaire catholique Renaissance) and open sports field are located immediately to the south of the site.

### **Proposal**

The owner is proposing to construct a cabana with a gross floor area of 41.8 square metres (450 square feet) and rear covered porch with a gross floor area of 27.5 square metres (296 square feet).

### **Official Plan**

The subject property is designated “Low Density Suburban Residential” by the Town of Aurora Official Plan (OPA 34). Single detached dwellings and uses accessory to the residential use including cabanas are permitted by the Official Plan.

### **Zoning By-law 6000-17, as amended**

The subject property is zoned “Detached Third Density Residential – Exception 362 R3 (362)” by Zoning By-law 6000-17, as amended, which permits single detached dwellings and accessory buildings as part of a site-specific approval for the initial development of the residential subdivision.

### **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**

The applicant did not state a specific reason for the non-compliance in the application form, but the proposal represents a general desire to increase the functionality of the rear yard amenity area of the property.

### **Planning Comments**

Planning Staff have evaluated Minor Variance Application MV-2023-13 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 “Low Density Suburban Residential” designation provides for ground-oriented housing with larger individual lots. The variances requested are not anticipated to have any significant negative impact on the character of the existing residential neighbourhood, nor result in any incompatibility concerns. The proposed cabana and rear covered porch provide for additional amenity space for the homeowners and the built form generally conforms with the structural and architectural expression of the subject property and surrounding neighbouring properties. Town engineering staff have also requested conditions relating to stormwater runoff/drainage due to the proposed increase of impervious area, and this will ensure that drainage will not be an issue as a result of the development.

As such, staff are of the opinion that the proposed variances meet the general intent of the Official Plan.

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

The intent of the side yard setback provision is to ensure adequate spacing between buildings is provided for privacy, landscaping, access, and drainage. It is staff’s opinion that the requested reduced setback will still provide adequate space between neighbouring properties. The proposed cabana does not have a significant footprint and the height of 3.47 metres is well below the zoning limit of 4.5 metres for accessory buildings. The requested reduction in side yard setback is marginal and no negative impacts are anticipated.

The intent of the minimum area to remain landscaped, open or in natural condition provision is to ensure that adequate soft landscape features (grass, trees, shrubs, flowers, etc.) are provided, and that the property’s drainage and stormwater management capability is not impacted by having too much impervious surface area. As requested by Town engineering staff, the applicant must provide a grading and drainage plan and a stormwater/drainage impact assessment report which includes mitigative measures to offset any impacts as a result of the increased hard surface area. The proposed works are also located exclusively in the rear yard of the property, effectively screening them from public view, and ensuring the open area streetscape presence of the front yard area is maintained. Due to the larger lot size, there is also ample open and green space still provided on the property.

As a result of the above, 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 variance to reduce the side yard setback is desirable, as the requested reduction is marginal and provides for additional amenity space with there still being adequate separation for privacy and maneuvering. The visual impact of the structure is also partially mitigated by the existing fence, while the roof of the proposed cabana will be employing a rather shallow slope to avoid an undesirable peak. Staff also note that there is no residential property located to the back of the site, which further minimizes any potential impact of the proposed cabana. Engineering Staff has reviewed the proposed variance and has no concerns with the proposed setback in relations to the existing easements along the westerly interior side yard.

The variance to increase hard surface area is considered desirable as the front yard green space remain unchanged by the proposal, which means a consistent street front with ample greenspace is maintained and unaffected. Staff note that concerns relating to drainage and stormwater runoff will be addressed as a condition of approval with the necessary engineering submissions to be provided. The engineering submissions will be reviewed accordingly by Town staff and appropriate mitigative measures must be implemented before receiving building permit sign off.

Given the above, staff are of the opinion that the proposed variances are considered desirable for the appropriate development of the lands.

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

The proposed variance for the side yard setback is minor in nature, as the requested reduction represents a negligible deviation from the zoning standard. This will also not result in any negative impacts to adjacent properties. The overall size and scale of the accessory building (cabana) is also moderate and does not pose any character incompatibility or massing concerns. The requested variance to increase the hard surface area is also considered minor as an appropriate amount of green space still remains on the property, and conditions are included to ensure no negative drainage impacts.

As such, staff are of the opinion that the requested variances are 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 April 6, 2023 to confirm the variances required for the proposed development.
Engineering Division	Comments provided with appropriate conditions of approval outlined in Appendix 'A' (dated April 5, 2023).
Operational Services (Parks)	No objections
Operational Services (Public Works)	No comments received at the time of writing this report.
Central York Fire Services	No comments received at the time of writing this report.
York Region	No comments received at the time of writing this report.
LSRCA	No comments received at the time of writing this report. Proposed works are outside the Regulated Area.

## 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 the Planning Act for granting of minor variances. Please refer to Appendix 'A' for recommended conditions of approval for the requested variance.

## **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-2023-13 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 provide a report along with grading and drainage plan prepared by a Professional Engineer providing impact assessment on the stormwater runoff/drainage due to increase of impervious area more than 50% of the lot area, to the satisfaction of Planning and Development Services or designate. Any mitigative measures as required to offset such impact shall also be included in the report; and
3. The owner agree in a letter of undertaking to complete the mitigative works as required in the above noted stormwater/drainage impact assessment report and provide an engineer's certification of the completed works, to the satisfaction of the Director of Planning and Development Services or designate.