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Town of Aurora

Committee of Adjustment Report

No. MV-2024-08

Subject: **Minor Variance Application**
Sabegh
135 Bonny Meadows Drive
Registered Plan 65M-2792, Lot 89
File: MV-2024-08

Prepared by: **Kenny Ng, Planner**

Department: Planning and Development Services

Date: May 9, 2024

Application

The applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to permit an enclosed basement walk-up inside the attached garage. A conceptual site plan and elevations are attached as Appendix 'B' to this report.

Proposed Variances

The following relief is being requested:

- a) Section 7.2 of the Zoning By-law requires minimum 6 m for interior garage length. The applicant is proposing enclosed basement walk-up inside the garage, which reduces the length to 5 m, thereby requiring a variance of 1 m.

Background

Subject Property and Area Context

The subject lands are municipally known as 135 Bonny Meadows Drive and are generally located south of Henderson Drive and east of Bathurst Street, and on the south side of Bonny Meadows Drive. The subject lands currently accommodate an existing two storey single-detached dwelling with an attached two car garage and a driveway. Mature trees and vegetation also exist across the subject lands' yards. The subject lands have an

approximate lot area of 510 m² (5,489.59 ft²), an approximate lot frontage of 17.13 m (56.2 ft) and the existing dwelling currently has a Gross Floor Area of 176.52 m² (1900.05 ft²). The surrounding area is a residential neighbourhood that is generally characterized by two storey dwellings.

Proposal

The applicant is requesting to an enclosed basement walk-up inside the attached garage that would reduce the interior garage length to 5 m.

Official Plan

The subject property is designated 'Stable Neighbourhoods' by the Town of Aurora Official Plan. Stable Neighbourhoods are to be protected from incompatible forms of development, but are permitted to evolve over time. All new development shall be compatible with its surrounding context. Single detached dwellings are permitted in the Stable Neighbourhoods designation.

Zoning

The subject property is zoned "R4-99" (Detached Fourth Density Residential Zone Exception - 99) by Zoning By-law 6000-17, as amended, which permits a single detached dwelling and attached garage.

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 has not provided a stated reason for not complying with the Zoning By-law.

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2024-08 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 subject lands are designated 'Stable Neighbourhoods' under the Town of Aurora's Official Plan. The intent of the 'Stable Neighbourhoods' designation is to ensure that all

new development will be protected from incompatible forms of development and, at the same time, are permitted to evolve and be enhanced over time. Within this designation, emphasis is placed on compatibility of built form with respect to massing, scale, and design to ensure a cohesive relationship with adjacent buildings, streetscapes, and exterior areas. The variance to permit a reduced interior length of garage to allow for a basement walk-up within the garage will not change the existing massing, height, or other design characteristics of the property. The basement walk-up is entirely within the garage and will have a side yard facing access, which helps to limit its overall exposure to the public realm.

It is the opinion of staff that the requested variance meets the general intent and purpose of the Official Plan.

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

As shown in the submitted plan attached as Appendix 'B' to this report, the applicant is proposing to reduce the required 6 metres garage length to 5 metres. The purpose for this reduction is to accommodate for a basement walk-up with direct access within the garage. The intent of a minimum interior garage length is to ensure that the attached garage can safely accommodate the storage of a vehicle. Staff recognizes that the garage will be limited to a full sized sedan vehicle, which has an average length of 4.78 m (15.7 ft) or a midsize SUV with an average length of 4.63 m (15.2 ft). As such, Staff does not have concerns with this proposed variance, as the property continues to provide adequate amount of parking spaces. For zoning by-law compliance purposes, the two parking spaces located outside of the attached garage are recognized as legal parking spaces.

The homeowner has also submitted a written Declare of Use letter attached as Appendix 'C', which affirms that the purpose of the variance is not to create a multi-unit dwelling and the use of the building will remain a single-unit dwelling. In the letter, the owner has also declared that if in the future decides to change the use of the building from a single-unit dwelling into a multi-unit dwelling, the owner will apply for and obtain a Change of Use permit as required by the Building Code Act and register the additional units as required by the Town by-law.

Based on the above, staff are of the opinion that the requested variance meets the general intent and purpose of the zoning by-law.

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

The requested variance to permit a reduction in the interior garage length is desirable as it will facilitate a logical location for a basement walk-up, locating entirely internal within the garage which helps to prevent it from impeding the existing streetscape. The internal stairs to access the dwelling from the garage remain unaffected, while adequate parking spaces are available to meet the homeowner's needs and by-law requirements. The reduced length will also not affect the ability to fit the most common vehicle types typically owned in a Canadian household such as a compact and midsize SUVs (ie: Toyota Rav4, Honda CR-V, Mazda CX-5, etc.) or mid and full size sedans (ie: Honda Civic, Tesla Model 3, Hyundai Elantra, etc.) As part of the subject variance application, the Owner submitted a basement floor plan which confirms that the area will not be used as a self-contained unit (full - kitchen, bathroom and bedroom). The existing basement will not be converted into a second dwelling unit within the single detached house, with no additional parking requirements resulting from the proposal.

Based on the above, staff consider the requested variance to be desirable for the appropriate development and use of the lands.

d) The proposed variance is considered minor in nature

The requested variance to reduce interior garage length is considered minor as the subject lands are still able to provide two (2) legal parking spaces and also accommodate internal stairs to allow an appropriate internal access to the dwelling. The basement walk-up is not otherwise anticipated to affect the functionality and usability of the garage to safely accommodate a modestly sized vehicle. Accordingly, it is staff's opinion that the 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. No objections.
Engineering Division	No objections.
Operational Services (Parks)	No objections.
Operational Services	No objections.

Department or Agency	Comments
(Public Works)	
Central York Fire Services	No objections.
York Region	No objections.
LSRCA	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 variances meet 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

Appendix 'C' – Declare of Use Letter

Appendix 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2024-08 be approved by the Committee of Adjustment:

1. That the variance only applies to the subject property, in conformity with the plan(s) attached as 'Appendix B and C' to this Staff Report, to the satisfaction of the Director of Planning and Development Services or designate.