



100 John West Way
Aurora, Ontario
L4G 6J1
(905) 727-3123
aurora.ca

Town of Aurora
Committee of the Whole Report
No. PDS24-078

Subject: Heritage Permit Application HPA-2024-03 – 23 Mark Street

Prepared by: Adam Robb, MPL, MCIP, RPP, CAHP
Manager, Policy Planning and Heritage

Department: Planning and Development Services

Date: July 2, 2024

Recommendation

1. That Report No. PDS24-078 be received; and
2. That Heritage Permit Application HPA-2024-03 be approved to permit a rear garden suite at 23 Mark Street as shown in Attachment 2 of this report.

Executive Summary

This report seeks Council's approval of Heritage Permit Application HPA-2024-03 to permit a rear garden suite at 23 Mark Street.

- 23 Mark Street is located within the Town's Northeast Old Aurora Heritage Conservation District and is designated under Part V of the *Ontario Heritage Act*.
- The proposal meets the guidelines of the Heritage Conservation District Plan, and the Heritage Advisory Committee has indicated their general support.
- A decision on the application is required to be made prior to August 25, 2024, in order to satisfy the legislative timeline under the *Ontario Heritage Act*.

Background

23 Mark Street is located within the Town's Northeast Old Aurora Heritage Conservation District and is designated under Part V of the *Ontario Heritage Act*

The subject property is located on the south side of Mark Street, west of Spruce Street. The property contains an Edwardian four square dwelling constructed circa 1920 and is

characterized by a deep rear yard and side driveway. The subject parcel is over 65 metres deep and has a frontage of approximately 15 metres.

The primary heritage elements of the property are the main dwelling itself, which features brick construction, a front porch supported by columns, an architrave over the porch, and gable ends. The Owner has confirmed that there is no proposed work being done to the primary dwelling.

Analysis

The proposal meets the guidelines of the Heritage Conservation District Plan, and the Heritage Advisory Committee has indicated their general support

Additional residential units, which includes rear garden suites, are permitted as-of-right by provincial legislation as a means of providing additional housing opportunities. The proposed garden suite is a 1-storey building with an approximate floor area of 700 square feet. There is approximately 37 metres of separation between the primary dwelling and the proposed rear garden suite, as the lot is very deep. The proposed garden suite also conforms to all zoning requirements including height and lot coverage, but a detailed zoning review will also occur through the building permit review process, should the heritage permit application be approved.

The proposed garden suite will feature board and batten siding and its placement at the rear of the property is such that there will largely be no impact on the primary dwelling, character of the area, or view from the streetscape. The height and scale of the structure is modest, and the District Plan further recognizes that Mark Street in particular is suitable to support such additions that sensitively integrate with the area (Section 9.1.1). The owner has also confirmed to staff that there is no proposed work being done to the primary dwelling itself, and that there are no trees proposed to be removed or impacted.

The Heritage Advisory Committee generally supported the proposal and had no direct oppositions to it, but raised some questions regarding the purpose of the unit, for which the Owner indicated it is to accommodate family use; the registration process for the unit, for which registration will occur through the Building Services Department and the structure will be required to be compliant with the Building Code and Fire Code and be assessed; and concern whether this would set a precedent for the area. The province has permitted additional residential units as-of-right, and it is noted that all zoning requirements are proposed to be met with the subject application. On a site-specific basis 23 Mark Street specifically benefits from an exceptionally deep lot to

accommodate the proposal in a sympathetic manner. Ample space for parking and open amenity/landscape area is also provided, and the site is fully serviced. There are no anticipated impacts to the main heritage dwelling, trees, or streetscape. Each potential future garden suite application within the District will however have to be reviewed uniquely and independently depending on the individual site context, as not all future applications may benefit from the same site size and context as 23 Mark Street, or be proposing as modest and sympathetic of a structure.

Staff are ultimately of the opinion that the proposal at 23 Mark Street generally meets the intent of the District Plan and is appropriate, modest, and will result in no significant impacts to the heritage property or streetscape. Staff also note that given the policy climate around implementing additional residential unit opportunities, the Ontario Land Tribunal would likely rule in favour of this type of proposal, should Council deny the application and the Owner submit an appeal. The Province now permits three residential units on properties as-of-right under Provincial Bill 23 and the Planning Act, as higher-order policy and legislation.

A decision on the application is required to be made prior to August 25, 2024, in order to satisfy the legislative timeline under the *Ontario Heritage Act*

A Notice of Receipt was issued to the applicant on May 27, 2024. Under the *Ontario Heritage Act*, there is a 90-day timeline from the date that a Notice of Receipt is issued for a decision to be made by Council on the Heritage Permit Application. This 90-day timeline lasts until August 25, 2024, wherein after that date the application will be automatically deemed approved. This review period can be extended on consent of the owner. Further details on this process are also provided under the Legal Considerations section of this report.

Advisory Committee Review

Heritage Permit Application HPA-2024-03 was reviewed and generally supported by the Heritage Advisory Committee on June 10, 2024. The Heritage Advisory Committee had no direct opposition to the subject proposal, but posed some questions regarding the purpose of the garden suite, with the owner indicating it is for family use; the registration process, with the Owner required to register the unit with Building Services and have the unit be fully compliant with the Ontario Building Code and Fire Code and be assessed; and on whether this proposal may set a precedent for the area. 23 Mark Street in particular benefits from a deep lot that the Heritage Conservation District Plan specifically recognizes as being suitable for sensitive rear additions (Section 9.1.1). The

proposed garden suite is modest in scale and will not detract from the heritage elements of the primary dwelling or character of the street. Each future application in the District however will be required to be reviewed uniquely and independently on its own site-specific context and merits.

The Heritage Advisory Committee also had general questions about Additional Residential Units at-large. The Province through Bill 23, the More Homes Built Faster Act, has now established as-of-right permissions for homeowners to add additional residential units. Properties are entitled to have three units on any serviced residential lot, with this provincial policy and direction superseding local zoning.

Legal Considerations

Under Section 42 of the Ontario Heritage Act, any developments or alterations that would potentially impact the heritage character of a property located within a Heritage Conservation District requires Council's consent. This legislative requirement is implemented in the Town of Aurora through the process of a Heritage Permit Application, which is subject to Council's approval in consultation with the Heritage Advisory Committee. Council must make a decision on a heritage permit application within 90 days after the notice of receipt is served on the applicant, otherwise Council shall be deemed to have consented to the application. The 90-day deadline for this permit application is August 25, 2024. Council may extend the review period of a heritage application in a heritage conservation district without any time limit under the Ontario Heritage Act provided it is agreed upon by the owner.

If Council refuses the application or makes the permit subject to terms and conditions that are not agreeable by the owner, the owner may appeal to the Ontario Land Tribunal.

Financial Implications

There are no direct financial implications as a result of this report.

Communications Considerations

None.

Climate Change Considerations

None.

Link to Strategic Plan

The conservation of heritage resources supports the Strategic Plan goal of Supporting an Exceptional Quality of Life for All through its accomplishment in satisfying the requirements under Celebrating and Promoting our Culture.

Alternative to the Recommendation

1. That Heritage Permit Application HPA-2024-03 be refused.

Conclusions

Heritage Permit Application HPA-2024-03 proposes to add a rear garden suite at 23 Mark Street. Since the property is designated under Part V of the Ontario Heritage Act and located within the Northeast Old Aurora Heritage Conservation District, approval from Council is required.

Attachments

Attachment 1 – Location Map

Attachment 2 – Site Plan and Renderings

Previous Reports

Memorandum to the Heritage Advisory Committee dated June 10, 2024.

Pre-submission Review

Agenda Management Team review on June 12, 2024

Approvals

Approved by Marco Ramunno, Director, Planning and Development Services

Approved by Doug Nadorozny, Chief Administrative Officer