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Town of Aurora
Committee of Adjustment Report
No. MV-2024-19

Subject: **Minor Variance Application**
Kwan Yee
33 Urquhart Crt.
PLAN 65M2725 PT LOTS 8 & 10
MV-2024-19

Prepared by: **Katherine Gatzos, Planner**
Department: Planning and Development Services
Date: August 8, 2024

Application

The applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate the construction of a one storey addition, a front porch, and an open-sided roof porch. The following relief is being requested:

- a) Section 18.1.2(i) states uncovered decks and minor additions including open-sided roof porches and balconies may be permitted on legally existing residential lots provided that do not exceed 50.0 square metres on the ground floor and are located outside the key natural features and hydrologically sensitive features.
 - The applicant is proposing to construct a 65.43 square metre first storey addition, 44.78 square metre open-sided roof porch, and 21.77 square metre front porch; therefore a total of 131.98 square metres.

Background

Subject Property and Area Context

The subject property, municipally known as 33 Urquhart Court, is an established estate residential lot, located just east of Bayview Avenue. The subject site is approximately 1.62 hectares (2.62 acres), with a frontage along Urquhart Court of approximately 16 metres. The property has a depth of approximately 188.5 metres and consists of manicured grass areas and landscaped gardens. Wooded areas are located along the boundaries within

the rear yard. Currently, the property contains a single detached estate residential dwelling and inground pool.

Surrounding Land Uses

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

North: Estate residential single detached lots and wooded areas

South: Estate residential lots, Town of Aurora and Town of Richmond Hill boundary, Bloomington Road, Bloomington Downs Gold Course

East: Estate residential single detached lots

West: Estate residential single detached lots and Bayview Avenue

Proposal

The applicant is proposing to construct a 65.43 sqm first storey addition to the front of the existing dwelling, a 21.77 sqm front porch, and a 44.78 sqm open-sided roof porch in the rear yard, for a total of 131.98 sqm.

Official Plan

The subject lands are designated “Oak Ridges Moraine Countryside Area” in the Town of Aurora Official Plan (OPA 48).

The purpose of OPA 48 is to bring the Town of Aurora Official Plan into conformity with the Oak Ridges Moraine Conservation Plan (ORMCP) as required by the Oak Ridges Moraine Conservation Act, 2001. OPA 48 states that if a residential lot was established prior to November 15, 2001, impacts to the ecological integrity of the area are deemed to have been fully assessed through the background studies, analysis, and review process which occurred through the respective subdivision approval, consent approval or other lawful lot creation process. Therefore, residential dwellings and associated accessory uses on these existing residential lots are permitted within the Oak Ridges Moraine Countryside Area, provided that they are not located within a key natural heritage feature or a hydrologically sensitive feature.

Zoning

The subject lands are zoned “Countryside – Oak Ridges Moraine (C-ORM)” in the Town of Aurora Zoning By-law 6000-17. The C-ORM zone limits development on the Oak Ridges Moraine to conservation, agriculture, golf courses, infrastructure and natural heritage

uses. However, uncovered decks and minor additions to existing dwellings are permitted on legally existing residential lots with existing dwellings.

Preliminary Zoning Review

A Preliminary Zoning Review (PZR) has been completed by the Town of Aurora's Building Division. The PZR identified the required variance, and no other non-compliance was identified.

Applicant's stated reason(s) for not complying with the Zoning By-law

The following reason was provided by the applicant:

"The proposed enhancements to the residence, including the expansive double-height entrance foyer, a new grand piano area, a library, and an extended rear covered deck with a barbecue area, are designed with a keen focus on both aesthetics and functionality. These additions will significantly elevate the visual appeal and usability of the home, seamlessly integrating indoor comfort with outdoor accessibility. However, these developments result in an increased floor area that surpasses the 50 square meter limit imposed under the C-ORM designation, necessitating a minor variance. On our variance application, we will stress that the aesthetic enhancements, such as the striking entrance and meticulously planned library and piano area, are thoughtfully designed to enhance the property's visual impact and functional flow. Similarly, the functional upgrade provided by the covered deck offers a practical solution for all-weather outdoor enjoyment, closely tied to the kitchen's layout for optimal utility. We will argue that these improvements are essential for achieving a harmonious balance between the homeowner's lifestyle demands and the architectural integrity of the neighborhood, ensuring that the additions are not only desirable but also respectful of community standards and local by-laws"

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2024-19 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 "Oak Ridges Moraine Countryside Area" in the Town of Aurora Official Plan (OPA 48). The Oak Ridges Moraine Countryside Area provides limitations on development for the purpose of maintaining the historical agricultural and rural land uses present in the area, and to ensure that the ecological integrity of natural heritage and hydrologically sensitive features is maintained. OPA 48 indicates that

existing residential lots established prior to November 15, 2001, can accommodate residential dwellings and accessory uses, provided they are not located within a key natural heritage feature or a hydrologically sensitive feature.

The subject property was established through a 1998 Plan of Subdivision and as such is classified as an existing lot pursuant to applicable OPA 48 policies. The existing residential dwelling and proposed variances are not located within any key natural heritage features or hydrologically sensitive features, nor their required protection zones.

As such, staff are of the opinion that the requested variance is in keeping with the general intent of the Official Plan.

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

The overall intent of the Countryside – Oak Ridges Moraine (C-ORM) designation is to recognize existing residential uses while ensuring that further development is limited as to not result in adverse negative impacts to the ecological integrity of the Oak Ridges Moraine. The Countryside – Oak Ridges Moraine (C-ORM) provisions also prohibit development within key natural heritage and hydrologically sensitive features.

This designation recognizes that minor alterations to existing residential lots may be needed to support specific family housing needs, however, must be done so in a manner that respects the surrounding natural heritage systems.

The purpose of limiting ground floor area of uncovered decks and minor additions to existing dwellings is to reduce the amount of on-site imperviousness to ensure existing infiltration and drainage patterns are maintained in order to support the hydrological function of the Oak Ridges Moraine.

The proposed 44.78 sqm open sided roof porch is to be constructed on elevated footings atop existing pervious grass and paver stones, which would remain to facilitate infiltration of the runoff associated with the open sided roof porch. Additionally, the proposed 65.43 square metre first storey addition and 21.77 sqm front porch are to be constructed on existing hardscaped gardens and an impervious driveway, which presently do not provide for sufficient infiltration opportunities. As such, staff are of the opinion that the proposed increase in ground coverage would not result in significant changes to existing onsite infiltration.

As the proposed development conforms to all other zoning provisions governing setbacks, lot coverage, gross floor area, and building height, staff are of the opinion that the proposed variance will not result in overdevelopment of the site. Further, there will be

no encroachment into key natural heritage and hydrologically sensitive features or their associated protection zones.

As such, staff are satisfied that the proposed variance will not result in overdevelopment of the site, nor will it negatively impact on-site infiltration and therefore maintains the intent and purpose of the Zoning By-law.

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

The proposed variance is considered desirable for the appropriate development of the land and permits the construction of an uncovered deck and addition to an existing residential dwelling with no anticipated adverse impacts on local natural heritage features or systems, nor any negative impacts to the public realm or streetscape. The property is not part of the LSRCA Regulated Area, and appropriate conditions have been developed as per the attached Appendix 'A'.

The proposed development will not result in any tree removals onsite and is wholly contained within areas comprised of manicured lawns, hardscaped gardens and paver stones, and an impervious driveway thus ensuring that site disturbance is minimal.

The proposed addition and front porch have been designed in a manner that respects the surrounding estate residential neighbourhood character relating to building scale, massing, orientation and materiality.

The proposal allows for the extension of the existing residential use to accommodate specific family housing needs and further enjoyment of the rear yard amenity space and is done so in a manner that in the opinion of staff respects the existing neighbourhood character and surrounding natural heritage and hydrologically sensitive features of the Oak Ridges Moraine. Further, Town of Aurora Parks Division has identified no concerns with the subject variance, as the proposed development is not constructed near or within significant vegetative communities.

As such, staff are of the opinion that the requested variance is considered desirable and appropriate development of the property, provided that the Conditions of Approval attached hereto as Appendix 'A' are satisfied.

d) The proposed variance is considered minor in nature

The question of the minor nature of a proposed variance can be related to its scale and impact on adjacent properties, not necessarily its numerical value. In the opinion of staff, the requested variance is considered to be minor and is not expected to have any adverse

effects on the subject lands, neighbouring properties, or the character of the existing neighbourhood as a whole.

The maximum zoning standard of 50 sqm ground floor coverage represents 0.31% of the total site lot coverage. The requested variance would account for an additional 0.51% above the permissible standard, resulting in a total 0.82% total coverage. As such, Staff are of the opinion that impacts from a 0.82% increase in total lot coverage to be numerically minor given the context of the site. As such, staff do not anticipate that this minor increase in ground floor area will result in any adverse impacts to on-site infiltration, ensuring that existing conditions will be maintained.

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
Building Division	Preliminary Zoning Review completed. No objections.
Engineering Division	No objections.
Operational Services (Parks)	No objections.
Operational Services (Public Works)	No objections with conditions.
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 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

Appendix 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2024-19 be approved by the Committee of Adjustment:

1. That the variance only applies to the subject property in conformity with the plan attached as 'Appendix B' to this Staff Report, to the satisfaction of the Director of Planning and Development Services or designate.
2. A Road Occupancy Permit must be obtained through Public Works.