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Town of Aurora
Committee of Adjustment Report
No. C-2024-02

Subject: **Consent Application**
Cornerstone Growth Investment Corp.
31 Kennedy Street West
PT LT 43 PL 246 Aurora PT 1, 65R12910; Aurora
File: C-2024-02
Related Planning Application(s): MV-2024-17 & MV-2024-18

Prepared by: **Felix Chau, Planner**

Department: Planning and Development Services

Date: September 12, 2024

Application

The purpose of the proposed consent application is to sever the subject lands with frontages along Kennedy Street West as follows (see Appendix 'B'):

a) Proposed Severed Lands:

Part 1 of the Draft Plan of Severance (western portion)

A lot area of 432.7 m² (4650 ft²) and a lot frontage of 15.26 m (50.1 ft)

b) Proposed Retained Lands:

Part 2 of the Draft Plan of Severance (eastern portion)

A lot area of 446.7 m² (4808.2 ft²) and a lot frontage of 15.25 m

Background

Subject Property and Area Context

The subject property, municipally known as 31 Kennedy Street West, is located on the south side of Kennedy Street West, west of Temperance Street. The subject property contains a total lot area of 879.4 m² (9465.8 ft²), with a lot frontage of 30.5 m (100.1 ft) along Kennedy Street West. The existing property contains a one-storey single detached dwelling and rear detached garage with an access driveway from Kennedy Street West.

Proposal

The applicant is proposing to sever a 432.7 m² parcel of land on the western portion to create a new residential lot. The severed and retained parcels are shown on the proposed severance plan attached as Appendix ‘B’. There is no proposed construction currently associated with this application, however the applicant is proposing to demolish a portion of the existing detached dwelling which straddles the proposed lot line (refer to Appendix ‘B’). A demolition permit has been issued by the Building Division. The severed lot will remain vacant with residential use permissions. The applicant has provided a “Buildable Footprint” drawing which demonstrates that a new detached dwelling can meet all required setbacks on the severed lot, while maintaining appropriate driveway access from Kennedy Street West (refer to Appendix ‘C’).

The consent application proposes to sever the property as follows:

	Part	Lot Area	Lot Frontage
Existing Lot (31 Kennedy Street West)	1 & 2	879.4 m ²	30.5 m
Proposed Severed Parcel	1	432.7 m ²	15.26 m
Proposed Retained Parcel	2	446.7 m ²	15.25 m

Related Planning Applications

The applicant has concurrently submitted two minor variance applications (MV-2024-17 and MV-2024-18) for review by the Committee of Adjustment. The minor variance applications relate to reducing the lot area of the new parcel fabric of the site and reducing the minimum interior side yard setback for the existing detached dwelling to the proposed property line.

Bill 23 – the More Homes Built Faster Act

Bill 23 amended the Planning Act to support the province’s goal of adding 1.5 million new homes in Ontario by 2031. The intent of the legislation is to assist the province in meeting planned minimum housing and density targets. Infill developments are specifically seen

as assisting with creating housing opportunities through the gentle intensification of traditionally lower density residential areas. The province has also implemented as-of-right permissions for other forms of housing including additional residential units, with lots now able to contain upwards of 3 units.

Official Plan

The subject property is designated “Stable Neighbourhoods” by the Town of Aurora Official Plan. Single detached dwellings are permitted under this designation.

Zoning

The subject lands are zoned “Detached Special Mixed Density Residential R7-SN (497) Exception Zone” under Zoning By-law 6000-17, as amended. This zoning permits single detached dwellings, and requires new lots for single detached dwellings to have a minimum lot area of 460 m² and a minimum lot frontage of 15 m. The proposed lots meet the zoning requirements for lot frontage, however variances for lot area are required for both the proposed retained and severed parcel. The applicant has demonstrated that a new detached dwelling, with a maximum lot coverage of 150 m², can meet all required setbacks on the severed lot. Any future development on the proposed vacant lot must comply with the R7-SN (497) zoning permissions or be facilitated through relief to the Zoning By-law.

Preliminary Zoning Review

A Preliminary Zoning Review (PZR) was undertaken by the Building Services Division prior to submission of the subject application. Building Staff have reviewed the proposed consent application and have determined that minor variances regarding lot area are required to facilitate the proposed consent. As previously mentioned, an additional variance is required to the minimum interior side yard setback for the existing single detached dwelling, as further outlined in the related minor variance report.

Planning Comments

When considering an application for consent to sever lands, regard shall be had to the criteria of Section 51 (24) of the *Planning Act*. This includes, amongst other things:

- Matters of Provincial Interest
- Conformity with the Official Plan and adjacent plans of subdivision
- Suitability of the land for the purpose in which it is to be subdivided
- The dimension and shape of the proposed lots

- Adequacy of utilities and municipal services
- Number and adequacy of highways

Matters of Provincial Interest

Staff are satisfied that the proposed consent application is consistent with the Provincial Policy Statement and conforms with applicable provincial plans, as the consent is to facilitate an underutilized lot with residential permissions as part of creating new, gentle intensification housing opportunities in line with provincial objective. The consent application implements the amendments made through Bill 23 and creates more attainable housing through residential intensification. Staff believe that the consent application demonstrates good planning and strives to provide alternative solutions to assist in the creation of new, infill housing opportunities.

Conformity with the Official Plan and Adjacent Plans of Subdivision

The proposed consent application will add opportunities for new residential development that assists the Town with implementing provincial and regional growth targets. The proposal will add options for gentle intensification and supports complete community development by providing housing opportunities near commercial and social service amenities, parks and public transportation.

The proposed severance will create lots that are consistent with the lot frontages and built form of the surrounding lots that frame the Kennedy Street West and Temperance Street intersection. The surrounding land use are predominantly low density residential which feature single detached dwellings. The existing lot frontage of 30.5 m is nearly double the frontage of the adjacent lots, which range from approximately 15.0 m to 18.0 m. The proposed lot frontages of 15.26 m and 15.25 m are more consistent with the existing lot frontages of the surrounding lots. Appropriate vehicular access is maintained for the retained parcel from Kennedy Street West. As demonstrated through the Buildable Footprint drawing (Appendix C), sufficient frontage for a vehicular accessway is provided for the severed parcel. Staff have no concerns with the anticipated driveway, however it will require an entrance permit.

Suitability of the land and adequacy of utilities, services, highways and access

The proposed new residential lot and overall development is located in close proximity to a variety of local amenities and public transportation opportunities. The Aurora Downtown Promenade (Yonge Street corridor) is located slightly east of the property and

the Aurora GO Station is located northeast of the subject property, allowing future residents to be within general walking distance of a major transit station area. As previously mentioned, appropriate access will be provided from Kennedy Street West for both the severed and retained lots.

It is Staff's opinion that local services and access to transit is adequately accommodated for to serve the proposed consent application. The Town's Engineering Staff have confirmed that municipal services are available to accommodate the new residential lot.

Dimension and shape of the proposed lot

It is Staff's opinion that the proposed consent application is generally compatible with the surrounding area regarding the dimensions and shapes of the proposed severed and retained lots. The lots immediately east of the subject lots along the south side of Kennedy Street West have lot areas of approximately 500 m² to 465 m². While they are slightly larger in size, the lot frontages remain consistent, ranging from approximately 15 m and 18 m. The proposed lots are slightly shallower in depth due to an angles rear lot line.

The proposed consent will facilitate two residential lots which are consistent with the surrounding lots, adding gentle intensification in an appropriate manner as envisioned by provincial legislation. Planning staff are of the opinion that the dimension and shape of the proposed lots is appropriate (subject to the approval of related Minor Variance Applications MV-2024-17 and MV-2024-18), and desirable as part of the use of land.

Additional Comments

The consent application was circulated to Town Departments/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 objection.
Engineering Division	No objection.
Operational Services (Parks)	No objection.
Operations (Public Works)	No comments received at the time of writing this report.

Department or Agency	Comments
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 objection.
Alectra	No objection.
HydroOne	No objection.

Public Correspondence

One (1) written submission was 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

Staff have reviewed the application with respect to the Section 51(24) of the *Planning Act*, R.S.O, 1990, c.P.13, as amended, the Provincial Policy Statement, Provincial Plans and the Town's Official Plan and are satisfied with the proposed consent application.

Based on the aforementioned, Staff have no objection to approving the Consent application File. C-2024-02, subject to the conditions attached (Appendix 'A').

Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Proposed Severance Plan

Appendix 'C' – Buildable Footprint

Appendix 'D' – Lot Area Context Map

Appendix 'A' – Recommended Conditions of Approval

Planning and Development Services:

1. That the consent only applies to the subject property in conformity with the plans attached as Appendix 'B' to this report, to the satisfaction of the Director of Planning and Development Services.
2. That the Owner provide written confirmation of no outstanding payment of property taxes owing to date for the subject property, to the satisfaction of the Secretary-Treasurer.
3. Submission to the Secretary-Treasurer of four (4) white prints of a deposited Reference Plan for review showing the subject lands, which conforms substantially to the application form and sketch as submitted with this application (Appendix 'B'). One copy of the deposited reference plan must be submitted to the Town prior to the issuance of the Certificate of Official. Please note, if the transaction in respect of which the consent was given is not carried out within the two-year period following issuance of the Certificate of Official, the consent effectively will lapse [Planning Act, R.S.O. 1990, c.P.13, as amended, s. 53 (43)].
4. Submission to the Secretary-Treasurer of the required draft transfers to effect the severance applied for under Files C-2024-02 in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act. Subsection 50 (3 or 5) of the Planning Act, R.S.O 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
5. That the Owner pay the Legal Services Fees (\$238.00) regarding the Town's cost to obtain a Parcel Abstract/PIN as per the Application, and written confirmation be provided to the satisfaction of the Secretary-Treasurer. The cheque is payable to "The Corporation of the Town of Aurora" quoting file number C-2023-09 and delivered to the attention of Legal Services, 100 John West Way, Box 1000, Aurora, ON L4G 6J1.
6. That the Owner enter into a Letter of Undertaking to acknowledge the understanding that the Owner will be required to pay cash-in-lieu of Parkland, development charges, municipal service connection fees and any other fees as required and applicable per the Town's Fees and Charges By-law to the satisfaction of the Director of Planning and Development Services.

7. That the Owner obtain relief from the provisions of the Zoning By-law as set forth in the concurrent and related minor variance applications MV-2024-17 and MV-2024-18.
8. That the Owner obtains a Demolition Permit from the Building Division to ensure that no part of any existing structures is encumbered by the proposed lot line.
9. Fulfilment of all of the above conditions shall occur within two (2) years of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act. R.S.O. 1990, c.P.13, or the consent will lapse.

Operational Services (Parks):

10. That the owner shall be required to provide an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester outlining all aspects of and impacts to the existing trees on the proposed severed and retained lots. The report shall include the following:
 - a. An assessment of existing trees (5cm trunk diameter and greater) by size, species and condition including trees on adjacent properties whose structure or root zone may be impacted by construction.
 - b. Identification of all tree injuries and tree removals, if any.
 - c. Identification of all tree protection measures including recommendations on the mitigation of negative effects to trees during and post construction, including applicable maintenance requirements.
 - d. Provision of monitoring of the site work through a series of site visits by the Arborist/Forester to ensure protection/preservation measures remain in compliance throughout the duration of the project. Monitoring shall occur i) at commencement of work to certify all tree protection measures are in place, ii) during site work to confirm protection measures are in place and to oversee arboricultural works as required, and iii) post construction assessment. Each site visit is to be documented and any resulting action items required by the Arborist /Forester shall be implemented and confirmed on site forthwith by the Arborist /Forester following each visit.
 - e. A monetary evaluation in accordance with the Town's Tree Compensation Policies for all trees designated to be removed.
11. The Owner shall be required to provide a tree compensation and a replanting plan in accordance with the Town of Aurora Tree Compensation Policies to the satisfaction of the Director of Operational Services as compensation for trees

removed to facilitate construction. Compensation planting shall be completed prior to release of the financial securities.

12. The owner shall agree to comply with the Aurora Tree Permit By-law # 5850 -16 prior to the removal of any trees on the property.
13. The owner shall be required to provide financial securities based on the total value of the Tree Compensation evaluation and all Arboriculture works as defined by the Town and the Owner's Arborist/ Forester, to the satisfaction of the Director of Operational Services.
14. All the above shall be included as terms and conditions in a Letter of Undertaking with the Town of Aurora to guarantee compliance with the Conditions of Approval and all related site works.