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Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2024-17 & MV-2024-18

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

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**Department:** Planning and Development Services

**Date:** September 12, 2024

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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 facilitate the creation of one (1) new residential lot through Consent Application C-2024-02. The following relief is being requested:

### **MV-2024-17 – Part 1 – Proposed Severed Lot (western portion):**

- a) Section 7.2 of the Zoning By-law requires a minimum lot area of 460.0 m<sup>2</sup>. The applicant is proposing a lot area of 432.7 m<sup>2</sup>.

### **MV-2024-18 – Part 2 – Proposed Retained Lot (eastern portion):**

- b) Section 7.2 of the Zoning By-law requires a minimum lot area of 460.0 m<sup>2</sup>. The applicant is proposing a lot area of 446.7 m<sup>2</sup>.
- c) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard of 1.5 m. The existing one-storey detached dwelling is 1.2 m to the proposed interior side property line.

## **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 m<sup>2</sup> (9465.8 ft<sup>2</sup>), 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**

A consent application (C-2024-02) is being presented concurrently for review by the Committee of Adjustment, which proposes to sever the existing property and create two (2) distinct parcels. There is no proposed construction currently associated with this application, however the Building Division has issued a demolition permit to demolish a portion of the existing detached dwelling which straddles the proposed lot line (refer to Appendix 'B'). The proposed 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').

### **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 m<sup>2</sup> and a minimum lot frontage of 15 m.

## **Related Planning Applications**

There is a concurrent consent application (C-2024-02) on the subject lands, which proposes to sever and create an additional residential lot. The consent and minor variance applications are required to be heard concurrently by the Committee of Adjustment, as the variances at hand are applicable provided the consent is in force, and the consent application is simultaneously dependent on receiving relief from the required lot area variance in particular. Appropriate conditions of approval are in place to link both applications.

## **Preliminary Zoning Review**

A Preliminary Zoning Review (PZR) has been completed by the Town of Aurora’s Building Division. Building Staff have reviewed the proposed minor variance applications and have determined that minor variances are required to facilitate the proposed consent.

## **Applicant’s stated reason(s) for not complying with the Zoning By-law**

The applicant has stated the following on the application form:

“The aim of our gentle densification project is to create a new lot of a similar size as the retained lot. And as much as possible, similar to the immediate neighbouring lots. If one lot was much larger, or smaller than the other, we feel that it would be less desirable to the neighbourhood.

The current proposal is to have the retained lot with an area of 446.7 m<sup>2</sup> and a frontage of 15.25 m. The newly created lot will have an area of 432.7 m<sup>2</sup> and a frontage of 15.26 m. The two lots will have almost identical frontages. If we were to make the newly created lot larger 460 m<sup>2</sup>, it will impact the size of the retained lot (419.4 m<sup>2</sup>) and likely their frontages. Having a large and a small lot will be less visually desirable to the neighbourhood.”

## Planning Comments

Planning Staff have evaluated Minor Variance Applications MV-2024-17 and MV-2024-18 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 intent of the 'Stable Neighbourhoods' Official Plan designation is to ensure that residential neighbourhoods are protected from incompatible forms of development, while allowing the neighbourhoods to be enhanced over time. The designation permits ground-oriented residential development, which includes single detached dwellings, and focuses on ensuring new development is designed in an appropriate and high-quality manner to enhance the streetscape.

The underlying priority is for new development and infill housing opportunities to be introduced in a complementary manner, particularly from an architectural design and compatibility perspective. Any new construction will be subject to the urban design guidelines for Stable Neighbourhoods. Staff are of the opinion that the requested variances will facilitate greater housing options in the community, while being designed in a manner that is of high-quality and that will enhance the local streetscape – along the intersection of Kennedy Street West and Temperance Street that currently features single detached dwellings.

Additionally, new policy frameworks around encouraging housing opportunities means the development is appropriate in terms of it addressing near and long-term housing needs within the community. Overall, Staff are therefore of the opinion that the proposed variances meet the general intent of the Official Plan.

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

The Subject lands are zoned "Detached Special Mixed Density Residential R7-SN (497) Exception Zone" under Zoning By-law 6000-17, as amended. The intent of the zoning is to ensure that the streetscape and public realm are maintained with high-quality and compatible forms of development.

A summary of the variances requested and how they meet the general intent of the zoning is as follows:

**Minimum Lot Area:**

The intent of the minimum lot area provision is to ensure that lots are appropriately sized and consistent with the streetscape and neighbourhood pattern. The lot area of the severed and retained lots are 432.7 m<sup>2</sup> and 446.7 m<sup>2</sup> respectively, whereas the by-law requires a minimum lot area of 460 m<sup>2</sup> to accommodate lots for single detached dwellings.

The existing lot is 879.4 m<sup>2</sup> in size, which cannot accommodate for two (2) 460 m<sup>2</sup> lots. The minimum lot area deficiency for both the severed and retained lots is a result of the applicant's efforts to provide for two (2) lots compatible in size and shape with the surrounding lots. In Staff's view, minimum lot area deficiencies of 27.3 m<sup>2</sup> and 13.3 m<sup>2</sup> maintain the intent of the By-law provision as both the severed and retained lots will be more appropriately sized and consistent with the streetscape and neighbourhood pattern than the existing 879.4 m<sup>2</sup> lot. The lots are not proposed to be identical in size due to the applicant's desire to maintain a significant portion of the existing detached dwelling on the retained lot – the location of the proposed lot line is strategically placed to maximize the size of both lots while maintaining an adequate interior side yard setback from the detached dwelling to the proposed lot line.

Despite the deficiency in lot area, the required lot frontage is complied with, with appropriate access off Kennedy Street West maintained. The lots immediately east of the subject lots along the south side of Kennedy Street West have lot areas of approximately 500 m<sup>2</sup> to 465 m<sup>2</sup>. 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 angled rear lot line.

The redevelopment of the site will enhance the character and streetscape of the neighbourhood, while providing new housing opportunities in line with the direction of the province. Overall, Staff have no concerns with the subject variances.

**Minimum Interior Side Yard (MV-2024-18 – Part 2 only):**

The intent of the minimum interior side yard setback provision is to ensure there is appropriate and adequate spacing between lots for privacy, landscaping, access and drainage. As previously mentioned, the Building Division has issued a demolition permit to demolish a portion of the existing detached dwelling which straddles the proposed lot line. The demolition will result in an interior side yard setback of 1.2 m from the nearest side wall of the existing detached dwelling to the proposed lot line.

The proposed reduction of the minimum interior side yard setback on the west side yard is a function of the location of the proposed lot line and design of the existing detached dwelling to be retained. As previously mentioned, the location of the proposed lot line is strategically placed in order to maximize the size of both lots while preserving a 1.2 m side yard setback from the portion of the detached dwelling. The portion of the detached dwelling to be demolished is a jut-out from an otherwise flush side wall. Furthermore, an existing detached garage is located on the east side of the property, behind the existing detached dwelling, and will be preserved. The existing vehicular access and paved driveway which encompass the entire east side yard are to be preserved, which prevents any potential manoeuvring of the detached dwelling structure on the east side of the property. The Town's Engineering Division has reviewed the applications and have no concerns or objections.

It is Staff's opinion that a reduction of the minimum interior side yard setback from 1.5 m to 1.2 m maintains the intent of the By-law provision and as such, Staff have no concerns with the subject variance.

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

As discussed above, Staff are satisfied the proposal appropriately responds to recent legislation that encourages infill housing development. The proposal facilitates the creation of a new residential additional lot for the local community to serve current and future generations. The retention of the existing detached dwelling eliminates any immediate visual impact to the streetscape. At the time in which a structure is proposed for the vacant lot, it must comply with the provisions of the Zoning By-law or be subject to further planning approvals. Furthermore, the proposed variances comply with the Stable Neighbourhood Urban Design Guidelines.

The appropriate conditions of approval have also been developed to avoid any potential adverse impacts and ensure the orderly development of the site. In the opinion of Staff, the proposal represents gentle intensification that provides housing opportunities as directed by the Region and Province. Overall, it is the opinion of Staff that the proposed variances are considered desirable for the appropriate development of the land.

**d) The proposed variance is considered minor in nature**

In the opinion of Staff, the requested variances are considered to be minor in nature and are not expected to have any significant adverse effects on the subject lands, neighbouring properties, or the overall streetscape. Properties adjacent to the subject

property are similarly sized and feature detached dwellings and associated accessory structures.

The province through Bill 23 has enabled gentle intensification through existing residential neighbourhoods. The proposed introduces an opportunity for residential lot creation in a manner that still respects the overall neighbourhood character and scale. Overall, it is the opinion of Staff that the proposed 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. No objection.
Engineering Division	No objection.
Operational Services (Parks)	No objection.
Operations (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 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**

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 minor variances. Staff recommend approval of the requested variances subject to the conditions outlines in 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' – Conditions of Approval**

#### **Planning and Development Services:**

1. That the variances only apply to the subject property in conformity with the plans attached as Appendix 'B' to this Staff Report, to the satisfaction of the Director of Planning and Development Services or designate.
2. That the Owner obtain the necessary provisional consent approval as set forth in the concurrent and related consent application C-2024-02, to the satisfaction of the Director of Planning and Development Services or designate.