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Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2024-20

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**Subject:** **Minor Variance Application**  
Irvine  
313 Ridge Road  
PLAN 132 PT LOT 21 RS65R796 PARTS 1-3  
File: MV-2024-20

**Prepared by:** **Antonio Greco, Senior Planner**

**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 construction of a one-storey addition to the easterly side of the existing dwelling, a front covered porch, an expansion to the existing outdoor rear deck and a one storey workshop/garage addition to the westerly side of the existing dwelling. The following relief is being requested:

- a) Section 14.1 of the Zoning By-law states no person shall use the land, including expanding, enlarging or otherwise altering an existing use, building or structure, for any use other than a use legally existing as of November 15, 2001, without amendment to, or relief from the Zoning By-law.
  - The applicant is proposing to construct a one-storey addition, covered porch and deck that did not exist prior to November 15, 2001, thereby requiring a minor variance.
- b) Section 14.1.b(i) of the Zoning By-law requires a minimum exterior side yard of 15.0 metres.
  - The applicant is proposing a one-storey addition and deck, which is 12.6 metres to the exterior side property line, thereby requiring a variance of 2.4 metres.

- c) Section 14.1.b(i) of the Zoning By-law requires a minimum front yard of 15.0 metres.
- The applicant is proposing a one-storey garage addition, which is 13.8 metres to the front property line, thereby requiring a variance of 1.2 metres.

## Background

### Subject Property and Area Context

The subject property, municipally known as 313 Ridge Road, is located on the west side of Yonge Street, just west of Ridge Hill Road and east of the Metrolinx GO Train railway tracks. The subject property currently contains a one-storey detached dwelling, a private driveway off Ridge Road, and mature vegetation. Existing mapping indicates the subject property is outside of the LSRCA Regulated Area. The surrounding neighbourhood area consists of larger estate lots, with the subject property having an approximate area of 4.7 hectares (11.6 acres) and a frontage of 153 metres (501 feet) along Ridge Hill Road and 39 metres (127 Feet) along Ridge Road.

Furthermore, this mature estate residential neighbourhood along Ridge Road was originally constructed in the late 1960s/early 1970s. This estate neighbourhood has undergone further reconstruction in the late 1970s, through the creation of the municipal road "Ridge Hill Road," which serves as a cul-de-sac containing four estate lots.

### 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 single detached lots

**East:** Estate residential single detached lots

**West:** Metrolinx GO Train railway

### Proposal

The applicant is proposing to construct a one-storey addition to the easterly side of the existing dwelling, a front covered porch, an expansion to the existing outdoor rear deck and a one storey workshop/garage addition to the westerly side of the existing dwelling.

## **Official Plan**

The subject property is designated as “Estate Residential” by the Town of Aurora Yonge Street South Secondary Plan (OPA 34) and as “Oak Ridges Moraine Settlement Area” under OPA 48. One detached dwelling, accessory structures, and compatible home occupations are permitted, as part of a recognized and developed community area.

## **Zoning**

The subject lands are zoned “Rural – Oak Ridges Moraine (RU-ORM)” in the Town of Aurora Zoning By-law 6000-17. The development of uncovered decks and minor additions to existing dwellings are permitted on legally existing residential lots with existing dwellings in the RU-ORM zone.

## **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**

As stated on the minor variance application form, the applicant is seeking to enhance wheelchair accessibility within the existing home, and it is not possible to enlarge or alter the existing dwelling without relief from the Zoning By-law.

## **Planning Comments**

Planning Staff have evaluated Minor Variance Application MV-2024-20 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 “Estate Residential” designation is to ensure a low-density residential setting is maintained. The Oak Ridges Moraine (ORM) “Settlement Area” designation also recognizes the subject property as an established and developed community able to support residential uses. The purpose of the Oak Ridges Moraine Conservation Plan is to provide for continued development within existing urban settlement areas and recognizing existing rural settlements. The Settlement Area is intended to accommodate residential uses including expansions to existing buildings and associated accessory structures. This estate residential neighbourhood was

constructed in the 1970s and has undergone various property specific redevelopments over the years.

The proposed minor variance application respects the Estate Residential and Oak Ridges Moraine policies, thus not constituting overdevelopment of the site. The subject property has a lot area of 4.7 hectares (11.6 acres) which is significantly larger than the surrounding properties in the neighbourhood. That said, the proposed development will continue to maintain over 94% of the lot area being in an open, landscaped, or natural condition. The subject property is not within any minimum vegetation protection zone or key natural heritage/hydrological features. As such, Staff does not anticipate any adverse impacts to surrounding natural heritage system. Staff are of the opinion that the requested variances are 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 Rural – Oak Ridges Moraine Rural General Zone (RU-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.

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

**The expansion or altering an existing use, building or structure, for any use other than a use legally existing as of November 15, 2001, without amendment to, or relief from the Zoning By-law:**

The Oak Ridges Moraine portion of the RU-ORM zoning 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 subject property has been a legal lot of record since the early 1970s, containing a single detached dwelling. That said, the surrounding estate residential neighbourhood has evolved overtime, through the redevelopment of older smaller dwellings, to newer estate mansions. Furthermore, the existing residential dwelling and proposed variances are not located within any key natural heritage or hydrologically sensitive features, nor their required protection zones.

The proposal allows for the expansion of the existing residential use to accommodate specific family housing needs and enhance wheelchair accessibility throughout the entire home. The design of the proposed additions is done so in a manner that in the

opinion of Staff respects the existing estate neighbourhood character and surrounding natural heritage and hydrologically sensitive features of the Oak Ridges Moraine.

**Minimum Exterior Side Yard:**

The intent of the exterior side yard setback provision is to maintain an appropriate distance of development to a road, allow for unencumbered movement between the front and rear yards, and to ensure adequate sight lines are provided. The proposed exterior side yard reduction of 2.4 metres continues to meet the general intent of the Zoning By-law and maintains an adequate development distance to the adjacent municipal road, Ridge Hill Road. Furthermore, the presence of mature vegetation along the easterly side yard provides for sufficient screening and will not have any adverse impacts from a streetscape/sightline perspective. As mentioned previously, the surrounding neighbourhood consists of estate lots which benefits from larger lot areas, contributing to adequate spatial separation to abutting neighbouring properties. In addition, the subject property contains a lot area of 11.6 acres, with unencumbered movement to all front and side yards. There is clear access to the entirety of the property and the proposed minor variances will not create any hindrances.

Staff are of the opinion that the proposed exterior side yard setback variance is sufficient and continues to respect the overall intent of the Zoning By-law.

**Minimum Front Yard:**

The intent of the minimum front yard setback provision is to ensure there is consistency between dwellings from a streetscape perspective and a relatively uniform presence from the street edge. Staff believe that despite the reduction in front yard setback, there is still adequate spatial separation and uniformity along the street. The proposed garage/workshop addition will maintain a 13.8 metre setback to the front property line, which also contains mature vegetation for additional screening. Furthermore, there is an additional 12.3 metre setback from the front property line to the street line (Ridge Road). The subject property is one of three homes that are found at the end of Ridge Road, therefore, the proposed reduction will not have any adverse impacts or disturbances. Staff are of the opinion that the proposed front yard setback is adequate and provides sufficient separation to the front property line and Ridge Road. The orientation of the proposed addition is advantageous in terms of maximizing the existing orientation of the dwelling, while aligning it to capitalize on the existing driveway, while allowing for enhanced vehicular manoeuvrability.

Staff are satisfied that the proposed front yard setback 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 subject property is located within the Settlement Area and are permitted for urban residential uses. The proposed variances are considered desirable for the appropriate development of the land and permits the construction of a one storey addition on the east and west side of the existing one-storey dwelling, an expansion to the existing outdoor rear deck, and a new covered front porch. The proposed development is not anticipated to have any 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 result in one tree removal on the southwest corner of the proposed garage/workshop addition. The appropriate conditions of approval have also been developed to ensure any tree removals are evaluated through an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester outlining all aspects of the impacts that this proposal will have on existing trees. That said, majority of the proposed works is wholly contained within areas comprised of manicured lawns, hardscaped gardens, and an impervious driveway thus ensuring that site disturbance is minimal. The proposed additions 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.

As such, Staff are of the opinion that the requested variance is considered desirable and appropriate development of the property.

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

The question of the minor in 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 proposed easterly addition and deck will continue to provide for a substantial buffer of over 53 metres from the closest abutting property at 259 Ridge Hill Road. Existing vegetation can be found along the easterly property line, which will also serve as a screening buffer to the municipal road and abutting property. The proposed front yard setback to the garage/workshop addition is considered minor, especially when evaluating the lot size of the subject property and surrounding neighbourhood. Even

with the reduction in front yard setback, there is a substantial buffer to the street line (Ridge Road) which would only serve as an access entry for two other homes. Furthermore, when considering the additional distance from Ridge Road to the actual dwellings at 302 and 340 Ridge Road, the buffer is over 60 metres, thus not creating any adverse impacts to the surrounding area. The subject property will continue to function as a residential lot and will not negatively impact neighbouring properties.

As such, Staff are of the opinion that the requested 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 objections.
Engineering Division	No objections.
Operational Services (Parks)	No objections.
Operational Services (Public Works)	No objections.
Central York Fire Services	No objections.
York Region	No objections.
LSRCA	No objections.
Alectra	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 variances, subject to the conditions outlined in Appendix 'A'.

## Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan and Elevations



## **Appendix 'A' – Recommended Conditions of Approval**

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

1. That the variance only applies to the subject property, in conformity with the plan(s) attached as 'Appendix B' to this Staff Report, to the satisfaction of the Director of Planning and Development Services or their designate.
2. That the Owner obtain a Road Occupancy Permit through the Town of Aurora Public Works Department.

### **Operational Services – Parks Division:**

3. That the owner shall be required to provide an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester outlining all aspects of the impacts that this proposal will have on existing trees. 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.

4. 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.
5. 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.
6. 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.
7. 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.