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Town of Aurora
Committee of Adjustment Report
No. MV-2024-15

Subject: **Minor Variance Application**
Daniella Battaglini
34 Cossar Drive
Plan M50 Lot 45
File: MV-2024-15

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

Department: Planning and Development Services

Date: June 13, 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 to the rear of the existing detached dwelling. The following relief is being requested:

- a) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard of 3.0 metres beyond the main rear wall of the adjacent dwelling. The applicant is proposing a one-storey addition, which is 1.2 metres to the interior side property line.

Background

Subject Property and Area Context

The subject property, municipally known as 34 Cossar Drive, is located on the north west side of Cossar Drive, just east of Murray Drive. The property is rectangular in shape, with an approximate area of 748.89 m² (8061 ft²) and a frontage of 18.0 m (59 ft) along Cossar Drive. The surrounding residential neighbourhood is generally characterized by one and two storey dwellings.

Proposal

The applicant proposes to construct a one storey addition to the rear of the existing two-storey dwelling. The proposed addition will serve as a living room on the main floor and a bedroom/office within the basement floor. The addition has been designed to maintain the lone kitchen window, located along the rear wall of the existing two storey dwelling, thus creating the requirement for a reduced interior side yard setback of 1.2 metres.

Official Plan

The subject property is designated “Stable Neighbourhoods” by the Town of Aurora Official Plan, which permits Ground-related Residential Uses and accessory structures.

Zoning

The subject property is zoned “Detached Third Density Residential Exception R3-SN (497) Zone” in the Town of Aurora’s Comprehensive Zoning By-law. Residential uses and accessory structures are permitted under this zoning.

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 applicant has advised that they are looking to expand their family and the one storey addition will provide additional family room living space, while maintaining the existing kitchen window that provides for natural sunlight.

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2024-15 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” designation is to protect from incompatible forms of development while also allowing neighbourhoods to be enhanced over time. The variance requested is not anticipated to have any negative impact on the character of the existing residential neighbourhood. The proposed one storey addition is located in the

rear yard and therefore screened from public view. There is minimal to no disruption on the streetscape and the surrounding context of the neighbourhood is not impacted. The proposed one storey addition will provide for a step back in height from the existing two storey dwelling and continue to adequately provide privacy to the adjacent neighbour to the east. The easterly property line currently contains mature trees and vegetation, which helps to provide sufficient screening and separation.

Furthermore, the Stable Neighbourhoods designation outlines design policies for all new development that shall respect and reinforce the existing physical character and uses of the surrounding area. The attention to the building type, heights and scale of nearby residential properties is essential for all new development. The proposed one storey addition adequately meets the intent of these design policies and allows for a smooth transition between neighbouring properties.

Staff are of the opinion that the requested variance meet the general intent of the Official Plan.

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

The intent of the “Detached Third Density Residential R3-SN (497)” zoning is to ensure that the streetscape and public realm are maintained with appropriately sized and oriented buildings. The intent of the side yard setback provision is to ensure appropriate and adequate spacing for landscaping, access, and drainage and to promote level of openness and privacy between neighbouring properties and reduce overdevelopment of the site.

Although the proposed addition has a reduced side yard setback of 1.2 metres, the addition itself is modest in its overall mass and continues to meet all other provisions of the zoning by-law, thus resulting in minimal visual obstruction and impact. The proposed addition is intended to be used as a living room on the main floor, with a bedroom/office within the basement floor. The requested reduction to the side yard setback will result in minimal impacts, as it relates to building separation to the adjacent properties. Engineering staff have also reviewed and have no objections with the structure in regard to drainage concerns.

As such, Staff are of the opinion that the requested variances meet the intent of the Zoning by-law.

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

The minor variance has been considered in the context of the site itself and the adjacent neighbourhood. The proposed addition has been designed in a manner that respects the existing neighbourhood and adjacent neighbour. The requested variance will also enable the existing dwelling to expand their indoor living area while maintaining ample amenity area and backyard green space. The proposed one storey addition provides sufficient room for access, drainage, and maneuverability along the easterly side yard. The overall impact of the design is proportional to the lot size and the addition has been designed in a manner that respects neighbourhood privacy and spacing through the existing side yard chain link fence and ample vegetation (trees, hedges, etc.) Additionally, a letter of support has been received for this application from the neighbouring property at 32 Cossar Drive, which is the easterly neighbour most impacted by the proposed development.

The proposal allows for the appropriate development of the site to accommodate specific family housing needs and is done so in a manner that in the opinion of staff respects the existing neighbourhood character. The streetscape is unaltered as the addition is located to the rear of the property, while the character of the neighbourhood is maintained as the addition will not generate any streetscape concerns relating to its overall massing and scale. Given the mature landscape of the neighbourhood, there are existing single detached dwellings that have similar interior side yard setbacks.

As such, the requested variance is considered desirable for the appropriate development of the land.

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. 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 mature neighbourhood as a whole. Staff consider the one storey addition an extension of the existing kitchen, through the use of a living room area and are of the opinion that impacts related to overlook and privacy to the neighbouring property will be minimal, given there are no windows proposed on the easterly wall of the addition.

Furthermore, the adjacent property to the east (32 Cossar Drive) is currently undergoing their own development for a new detached dwelling. They've received a demolition and building permit back in March 2024. Given the ongoing construction at the neighbouring property, there are no anticipated concerns with regards to access, privacy, drainage, or building separation. There are no trees directly proposed to be removed as a result of the subject application. The proposed addition conforms to all other applicable zoning

provisions, and staff are of the opinion that the proposed relief from the side yard setback provision will not result in overdevelopment of the site or contain any negative impacts.

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.
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 regarding Section 45 (1) of the *Planning Act*, R.S.O., 1990, c.P.13, as amended, and believe that the requested variance meets the four tests of the *Planning Act* for granting 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 'C' – Elevations

Appendix 'A' – Conditions of Approval

Planning and Development Services:

1. That the variance only applies 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.