



100 John West Way  
Aurora, Ontario  
L4G 6J1  
(905) 727-3123  
aurora.ca

Town of Aurora

## Committee of Adjustment Report

No. MV-2024-12

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**Subject:** Minor Variance Application  
Boyd  
11 Kennedy Street West  
Registered Plan 131, Lot 4  
File: MV-2024-12

**Prepared by:** Kenny Ng, Planner

**Department:** Planning and Development Services

**Date:** June 13, 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 construct a 2-storey addition at the rear of the existing single-detached dwelling. Additionally, the applicant is proposing to renovate the existing detached garage, front porch, and steps, maintaining their current location and size.

### Proposed Variances

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 two-storey addition, which is 1.5 metres to the interior side property line, thereby requiring a variance of 1.5 metres.
- b) Section 7.2 of the Zoning By-law requires a minimum interior side yard of 1.2 metres. The applicant is proposing a detached garage, which is 0.7 metres to the interior side property line, thereby requiring a variance of 0.5 metres.
- c) Section 4.20 of the Zoning By-law states steps require a minimum front yard of 4.5 metres. The applicant is proposing to renovate the existing porch with steps that are 2.4 metres to the front property line, thereby requiring a variance of 2.1 metres.

- d) Section 4.20 of the Zoning By-law states open-sided porches require a minimum front yard of 4.5 metres. The applicant is proposing to renovate the front porch. The proposed porch is 3.5 metres to the front property line, thereby requiring a variance of 1 metre.

## **Background**

### **Subject Property and Area Context**

The subject lands are municipally known as 11 Kennedy Street West, situated south of Kennedy Street West, west of Yonge Street and just east of Temperance Street.

The subject lands currently accommodate an existing two storey single-detached dwelling with a front porch and a detached garage. Mature trees and vegetation also exist in the side and rear yards of the subject lands. The subject lands have an approximate lot area of 562 m<sup>2</sup> (6,053 ft<sup>2</sup>), an approximate lot frontage of 16.58 m (54.4 ft). The existing dwelling currently has a Gross Floor Area of 96.43 m<sup>2</sup> (1037.96 ft<sup>2</sup>). The subject property abuts a parking lot to the south.

### **Proposal**

The applicant is proposing a rear addition at the rear of the existing single-detached dwelling. The existing detached garage, front porch, and steps will also be renovated without any changes to their current location and size.

### **Official Plan**

The subject property is designated 'Stable Neighbourhoods' by the Town of Aurora Official Plan. The Stable Neighbourhoods designation permits the development of single detached dwellings subject to the development policies of the Official Plan.

### **Zoning**

The subject lands are zoned R7-SN (497) (Detached Special Mixed Density Residential Exception Zone) by the Town of Aurora Zoning By-law #6000-17, as amended, where Detached Dwelling is listed as a permitted use.

### **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 application form, "Proposed addition would be extremely narrow given the existing constraints. In addition the existing porch and Garage structure are to be refurbished and the location of both structures can not be improved or modified."

**Planning Comments**

Planning Staff have evaluated Minor Variance Application MV-2024-12 pursuant to the prescribed tests as set out in Section 45 (1) of the *Planning Act*, as follows:

**a) The proposed variances meet the general intent of the Official Plan**

The subject lands are designated 'Stable Neighbourhoods' under the Town of Aurora's Official Plan. The intent of the 'Stable Neighbourhoods' designation is to ensure that all new development will be protected from incompatible forms of development. To assist infill developments to be compatible with the exiting neighbourhood, a Stable Neighbourhood Design Guidelines was developed. The following is an analytical review of the proposed variance with the intent of the Official Plan and guidance from the Stable Neighbourhood Design Guidelines.

The proposed rear addition will not alter the existing dwelling's two storey built form and proposed building height is consistent with the surrounding dwellings. Furthermore, the proposed addition is located behind the existing dwelling fronting onto the street, thus it is Staff's opinion that there is no adverse impact to the existing streetscape and the surrounding context of the neighbourhood. Although the rear addition will extend into the required side yard beyond the adjacent rear wall, the addition is not too egregious that it would result in disrupting the neighbouring property's privacy and overshadowing. There are also limited (two small sized windows) on the east elevation and no rear balconies are planned. Existing fencing along the easterly lot line will continue to provide screening for the subject property.

The subject property abuts a parking lot to the south, which is serving a neighbourhood business operation. The addition is not anticipated to result in any overlooking or loss of privacy into the rear property. Currently, the subject property is surrounded by a chain link/board fence along both sides and the rear property line, which also serves as a screening mechanism to the rear property. Additionally, there is ample mature vegetation (cedar hedges, mature trees) exist on the edge of the side yards, which helps to provide sufficient screening and separation. Existing vegetation along the easterly side yard, which is located to the rear of the proposed addition is not expected to be impacted by the development. The proposed two-storey addition is compatible with the built form in

the neighbourhood, while the proposed building design is consistent with adjacent dwellings from a neighbourhood character perspective. The porch, steps and detached garage is proposed to be constructed with the overall building design and surrounding character in mind, and will not increase in dimensions from the existing footprint.

The subject property is currently a listed heritage property, the proposed renovation and addition will not trigger a Heritage Committee review as confirmed by Building and Heritage staff. In considering that the existing dwelling will not be overhauled or replaced, while the architectural context of the property is able to be maintained. As the proposed addition and renovations are generally able to adhere to the existing dwelling's characteristics and architectural treatments, in regards to the materials used, as well as the scale and massing of the addition. Staff are of the opinion that the variances requested are not anticipated to have any negative impact on the character and aesthetics of the existing neighbourhood, while the addition is considered as a compatible extension of the existing dwelling.

Staff are of the opinion that the proposed development will enhance the attractiveness of the streetscape and therefore meets the applicable policies and maintains the general intent and purpose of the Official Plan.

#### **b) The proposed variances meet the general intent of the Zoning By-law**

##### **Minimum Front Yard Setback**

The front porch and steps will not be building beyond their existing footprint, the existing front yard setback will be maintained, and front yard amenity space will not be reduced due to restoration of the structures. The location of the existing front porch and steps are also almost on par with the existing houses in the surrounding area, as the two immediate houses contain similar front yard setback for their front porch and steps, thus resulting in a consistent and uniform streetscape. Staff are of the opinion that adequate spatial separation continue to exist between the dwelling and the front property line, and will not result in any negative impacts to the streetscape and to the relationship with the front yard amenity area. The proposed porch and steps are not considered to be visually obtrusive from an urban design standpoint, while the renewed porch and steps will contribute to enhancing and animating the existing streetscape.

##### **Minimum Interior Side Yard Setback**

The purpose of the side yard setback by-law requirement is to ensure that adequate separation is provided between buildings on abutting properties to avoid over building resulting in loss of privacy and shadowing. It also serves to ensure that sufficient space exists to permit for adequate access and side yard maintenance.

In considering the variance to reduce the required side yard setback to the easterly side lot line. The proposed addition will be following the existing building orientation as it extends to the rear, side yard setback to the easterly lot line will not be further reduced beyond the existing dwelling. Therefore, the proposal is not anticipated to impede existing access along the side yard, access to the rear yard or future maintenance along the side yard. Staff also note that although the proposed addition will encroach into the required side yard, the rear addition will have two small sized windows on the easterly side elevation, which helps to minimize loss of privacy or issues related to overlooking neighbouring property.

Similar to the front porch and steps, the proposed building footprint and dimensions of the detached garage will remain unchanged from the existing. The existing side yard setback along the westerly property line has pre-existed prior without any known concerns or issues, and the restoration of the garage is not anticipated to result in any negative impacts to existing access and adequate rear yard space remain available. Engineering Staff also expressed no concern with the variances respecting drainage.

Based on the above, staff are of the opinion that the requested variances meet the general intent and purpose of the zoning by-law.

**c) The proposed variances are considered desirable for the appropriate development of the land**

The Town's Zoning By-law does not recognize existing buildings and structures that do not comply with the current zoning standards to be renovated or restored. As outlined on the submitted plans, a front porch and steps presently exist and have pre-existed for years prior on the front face of the dwelling on the first storey, the encroachment into the required front yard have marginal impact to the functionality and aesthetics of the site. Although the detached garage will encroach into the side yard beyond what the by-law permits, the proposal will simply renovate the existing detached garage, and the side yard setback is not proposed to be further reduced as a result. The restoration of the garage will help the structure incorporate harmoniously with the existing dwelling and staff do not anticipate the placement of the garage to have any negative impacts to the adjacent property to the west.

Staff note that several mature trees exist along the easterly property line, on both the subject and adjacent lands, which helps to minimize negative impacts such as loss of privacy or potential overlooking concerns. Staff do not anticipate the existing trees to be impacted by the proposed development, with the Town's Parks Department also requesting the relevant conditions of approval related to existing trees on site to monitor any potential impacts. Given the current site configuration and extent of the addition, staff

do not anticipate any impacts on the neighbouring property and consider the addition a logical extension of the existing dwelling to provide for additional living space. Staff are of the opinion that adequate building separation will continue to exist between the subject dwelling and the neighbouring dwelling to the east.

The location of the single-detached residential dwelling on the subject lands will remain unchanged and is in keeping with the existing single-detached residential dwellings along Kennedy Street West. The proposed addition is located in the rear, largely screened from public view, and is generally compatible with the existing dwelling's built form and scale. All the while, the character of the surrounding residential neighbourhood and streetscape will be further enhanced by the restoration work for the front porch, steps and garage.

Based on the above, staff consider the requested variances to be desirable for the appropriate development and use of the lands.

**d) The proposed variances are considered minor in nature**

The reduced interior side yard setback for the rear addition is considered to be minor by staff. The proposed addition will extend towards the rear following the existing building orientation and due to the lot configuration and building orientation, the rear of the building will be extending away from the neighbouring dwelling to the east. Staff would consider the impacts resulting from the addition to be minor in nature as there will be two small sized windows on the east side of the addition and there are currently several mature trees in between the two dwellings which act as visual screen for the home dwellers.

The reduced interior side yard setback for the detached garage along the westerly property line is considered to be minor by staff. The detached garage has pre-existed for years prior and the continuation of its use is not anticipated to result in any concerns related to access or loss privacy. The renovated garage will be utilizing the existing footprint and the removal of the rear portion of the garage will help keep the structure at a modest scale and size.

The reduced front yard setback for both the porch and steps is considered to be minor by staff. The reduced front yard setback recognizes an existing condition and will not impact the front yard amenity space as no change to the area is necessary to accommodate the development as proposed. Given the location and footprint of the porch and steps remain unchanged from existing conditions and that a sufficient front yard will be maintained, staff would consider the encroachment to be minimal and will have no impact on surrounding properties or neighbourhood character.

Based on the above, staff consider the requested variances to be 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.
Heritage	No objections.
Operational Services (Parks)	No objections, see conditions in Appendix 'A'.
Operational Services (Public Works)	No objections.
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 variances meet the four tests the Planning Act for granting of minor variances. Please refer to Appendix 'A' for recommended conditions of approval for the requested variance.

## Attachments

Appendix 'A' – Recommended Conditions of Approval

## Appendix 'B' – Site Plan and Elevations



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

The following conditions are required to be satisfied should application MV-2024-12 be approved by the Committee of Adjustment:

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 designate; and
2. 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.
3. 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; and
4. 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; and

5. 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; and
6. Conditions 2 through 5 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.