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Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2024-28

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**Subject:** **Minor Variance Application**  
Andrew Risk  
15 Tyler Street  
PLAN 9 PT LOTS 7 AND 8 AND RP 65R25427 PART 1  
File: MV-2024-28

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

**Department:** Planning and Development Services

**Date:** October 10, 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 five-storey mixed use building with at grade office and residential above. The vehicular access is off Temperance Street with parking at rear. The following relief is being requested:

- a) Section 8.2 of Zoning By-law 6000-17 permits a maximum height of 10 meters. The applicant is proposing a five-storey residential building containing a maximum height of 20 metres.
- b) Section 5.4 of Zoning By-law 6000-17 requires parking for offices at a rate of 3.5 spaces per 100 square meters of Gross Floor Area and 1.5 spaces per dwelling unit, with a minimum 20% of spaces provided to be set aside for visitor parking. Therefore 10 parking spaces inclusive of a barrier free parking space is required. The applicant is proposing a total of seven (7) parking spaces inclusive of the barrier free space.

## Background

### Subject Property and Area Context

The subject property is located at the southeast corner of Temperance Street and Tyler Street, approximately 87 m (285 ft) west of Yonge Street. The subject property has an

area of roughly 399.22 m<sup>2</sup> (4297.16 ft<sup>2</sup>) and a frontage of approximately 12.66 m (41.53 ft) on Tyler Street and 31.76 m (104.19 ft) on Temperance Street. The subject property contains a one-storey detached dwelling, which is currently listed on the Town of Aurora Register of Properties of Cultural Heritage Value or Interest.

### **Proposal**

The applicant is proposing to demolish the existing one-storey detached dwelling on the subject property and facilitate the construction of a five-storey mixed use building, containing office on the ground floor with residential rental units above.

### **Official Plan**

The subject property is designated within the “Aurora Promenade and MTSA Mixed Use” on Schedule ‘B’ – Land Use Plan by the Town of Aurora Official Plan and specifically designated as “Downtown” within Schedule ‘D1’ - The Aurora Promenade and Major Transit Station Area Secondary Plan Area. This designation is intended to accommodate a mixture of uses such as dwelling units located on the second storey, and/or above all building types and commercial/institutional uses.

### **Zoning**

The Subject property is zoned “PD1 – Promenade Downtown” under Zoning By-law 6000-17, as amended. This zoning permits for a wide range of uses, including dwelling units above the first storey and a variety of commercial, retail and institutional uses.

### **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 in the application form, “the applicant seeks to provide rental units with the increased maximum height of the proposed building.”

### **Planning Comments**

Planning staff have evaluated Minor Variance Application MV-2024-28 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 subject property is designated “Downtown” by the Town of Aurora Official Plan. This designation is intended to guide development, while protecting and reinforcing a heritage ‘main street’ character and identity. The careful regulation of land uses and control over the scale and placement of infill structures is required to enhance the pedestrian experience, while still allowing for and promoting increased density in keeping with the character and scale of the Downtown. A mixture of uses is encouraged not just within this designation in general, but also on individual development sites, and within individual buildings. As mentioned previously, the existing one-storey dwelling is currently a listed property on the Heritage Registry. As part of the application circulation, a preliminary review was conducted on the building’s cultural heritage significance, which demonstrated a minimal value. That said, a condition of approval has been developed that requires the owner/applicant to obtain the necessary clearance from Town of Aurora Council to remove (delist) the property from the Town's Heritage Registry. Consultation will also be required to occur with the Town's Heritage Advisory Committee (HAC), with the submission of a Cultural Heritage Evaluation Report demonstrating support.

Furthermore, properties within the Aurora Promenade and Major Transit Station Area contain specific minimum and maximum building heights. The subject property permits a maximum of five (5) storeys as per Schedule D-2 of the Official Plan. The proposed construction of a five-storey mixed use building and rear yard parking lot complies with the permitted uses, development policies and the building height provisions of the Official Plan. Development within the Aurora Promenade is to accommodate a broad range of choices for travel. Yonge Street and Wellington Street will accommodate transit, cyclists, pedestrians, as well as cars through a complete streets approach.

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 property is zoned “Promenade Downtown (PD1)” under Zoning By-law 6000-17, as amended. The intent of this zoning is to provide a wide variety of residential, commercial and institutional uses, while focusing on growth and intensified development, accommodating the highest densities within Aurora. A summary of the variances requested and how they meet the general intent of the zoning is as follows:

**Maximum Building Height:**

The intent of the building height provision is to ensure that development is designed in a consistent manner with no singular buildings negatively impacting or dominating the downtown streetscape. The uniform pattern along the Aurora Promenade is to provide an attractive streetscape while maximizing the potential of individual residential lots. The Official Plan and Zoning By-law function concurrently to ensure the appropriate development of specific areas and individual lots in Town. As mentioned earlier in this report, the proposed building height is in line with the provisions of the Official Plan and the "Downtown" designation, which allows for a minimum of two (2) storeys and a maximum of five (5) storeys. The Town has commenced the comprehensive review of the Zoning By-law, which will review and update areas in Town that don't align amongst both policy documents. The Aurora Promenade and Major Transit Station Area is an identified area that requires review of the baseline maximum height provisions.

Furthermore, the proposed minor variance to increase the maximum height is required, as the Town's Comprehensive Zoning By-law 6000-17 currently reflects a base line maximum of 10 metres and has not been updated to align its current standards to what is currently permitted from an Official Plan standpoint. Section 8.2 of the Zoning By-law provides a breakdown of the maximum heights within the Promenade Zones. There is an exception in the PD1 Zone that permits for a maximum height of 18.5 metres, provided the 4th and 5th storeys are setback a minimum of 3 m from the main and exterior side walls of the 3rd storey. When taking this into consideration, the increase from 18.5 metres to 20 metres is minor and meets the intent of the Zoning By-law.

In addition, when evaluating the maximum height for apartment buildings, there is always a height range between 3.0 metres to 4.0 metres per storey. This range is dependent of whether there are residential or retail units of the ground floor, which can provide a range of ceiling heights between 8 feet to 10 feet and whether residential units above the ground floor are providing lofts. Given this 3.0 metres to 4.0 metres per storey range, a five-storey building can be anywhere from 15 metres to 20 metres. Even at its absolute lowest, a minor variance application would have been required. Provided all this information, Staff are of the opinion that the proposed maximum height continues to meet the general intent of the Zoning By-law and provides an attractive rental housing product to the neighbourhood.

**Minimum Parking:**

The intent of the minimum parking space requirement is to ensure that sufficient parking spaces are provided to meet the needs of the proposed residential building, and that vehicle spillover will not occur for overcrowding of the subject site. The proposed

development requires a total of ten (10) parking spaces, which accounts for the office use, residential use, visitor parking and barrier free parking. That said, the applicant is proposing a total of seven (7) parking spaces, which in the opinion of Staff is sufficient for the proposed development. The current parking supply will provide for at least one space per residential unit, which is now the standard for any residential development within a downtown core.

The proposed office on the ground floor is to function as a live-work unit, only open to the private residents of the building, therefore, not creating any additional public traffic onsite. When taking that into consideration that there are areas currently within the Aurora Promenade that requires only one space per unit, inclusive of visitor parking spaces, the proposed seven (7) parking spaces is sufficient to accommodate the residential development. Residential projects within a downtown core are focused on transit-orientated development and to prioritize intensification within the Secondary Plan area as the Town's primary location for growth and density, reinforcing the importance of the Aurora GO Station as a Major Transit Station area.

Furthermore, when the applicant originally presented the minor variance application, a variance pertaining to the minimum distance separation for the barrier free parking space was also required. However, after further consultation with Staff and design changes to the building, the applicant was able to accommodate the barrier free parking space and its appropriate standard to eliminate the need for the additional variance. Given this change, the minor variance application only requires two variances versus the original three. The proposed seven (7) parking spaces meets the general intent of the Zoning By-law and is sufficient for the future development of the subject property.

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

As discussed above, Staff are satisfied the proposal adequately responds to the newly adopted Town of Aurora Official Plan 2024, and the criteria for new development within the Aurora Promenade and Major Transit Station Area. The proposed development will also provide critical new and attainable housing opportunities for the local community. The proposed infill residential development enhances the urban design of the neighbourhood by providing the wise use and management of land within the Aurora Promenade. In addition, the proposed development will promote a truly mixed residential community that houses people of different ages, backgrounds, lifestyles and economic status. The Promenade is envisioned to function as a vibrant, mixed-use, pedestrian oriented community with a range and mix of housing options and densities and access to higher order transit.

Primarily though, the need for new, diverse, and attainable housing is paramount and the ability for the proposed development to add rental housing units to the Aurora Promenade is of benefit to current and future generations in addressing various housing needs. The proposed intensification of an underutilized lot aligns with the direction of the Province under Bill 23. The increase in building height and reduced parking standards will not negatively impact the surrounding area but enhance the overall function of the subject property and align with the vision of development with the Aurora Promenade.

Lake Simcoe Region Conservation Authority has reviewed the application and confirmed that based on the information submitted as part of this minor variance application, the proposal is located outside of the flood hazard and is therefore consistent with 3.1 of the Provincial Policy Statement (PPS). The appropriate conditions of approval have been implemented, requiring the applicant to obtain a permit from the LSRCA prior to development or site alteration.

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 property, neighbouring properties, or the overall streetscape. The proposed development is designed to implement the building height policies of Official Plan and the Aurora Promenade and Major Transit Station Secondary Plan Area. The proposed increase in maximum height from a numerical value is double but does not accurately depict what can be done on the property as of right. Furthermore, the reduction in parking can adequately serve the proposed residential development without negatively impacting surrounding properties.

The proposal introduces new and attainable rental housing opportunities in a manner that still respects the overall neighbourhood character and scale. The appropriate conditions of approval have also been developed, including for the need to obtain a Road Occupancy Permit, and to ensure any tree removals are evaluated through an evaluation report completed by a certified professional. The Town's Engineering Department have also reviewed the proposed minor variance application and have no comments as it pertains to the proposed development.

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 completed. No objection.
Engineering Division	No objection.
Operational Services (Parks)	No objection.
Operations (Public Works)	No objection.
Central York Fire Services	No objection.
York Region	No objection.
LSRCA	No objection.
Alectra	No objection.

## Public Correspondence

At the time of writing this report, two written submissions in opposition were received. If additional written submissions are 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 condition outlined in Appendix 'A'.

## Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan & Elevations

## Appendix 'C' – Floor Plans & 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.
2. That the owner obtains necessary clearance from Town of Aurora Council to remove (delist) the property from the Town's Heritage Register. Consultation will also be required to occur with the Town's Heritage Advisory Committee (HAC), and the submission of a Cultural Heritage Evaluation Report will be required demonstrating support.

#### 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 arboriculture 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.

**Operational Services – Public Works:**

8. That the Owner obtain a Road Occupancy Permit through Public Works.
9. That the Owner be required to CCTV the existing sanitary to see if it can be used for this proposed development. The developer will also be required to confirm the size of the water service.

**Engineering and Capital Delivery – Engineering Department:**

10. Prior to final approval of the minor variance, the owner shall obtain final approval for a daylight triangle at the intersection of Temperance Street and Tyler Street and driveway to the satisfaction of the Town's planning and development services

**Lake Simcoe Region Conservation Authority:**

11. That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536.00.

12. That the Applicant/Owner successfully obtain a permit from the LSRCA prior to development or site alteration.

**York Region:**

13. A Section 59 applies at the minor variance stage and needs to be completed prior to approval. Please have the applicant submit Section 59 - Planning Application Form.
14. Prior to final approval of the application, the Town of Aurora shall confirm that adequate water supply and sewage capacity has been allocated for the proposed dwellings.