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Town of Aurora
Committee of Adjustment Report
No. C-2024-04 & C-2024-05

Subject: Consent Application
Allan
2 Willow Farm Lane
Lot 86, 65M-2685
2 Willow Farm Lane
Files: C-2024-04 & C-2024-05
Related File numbers: ZBA-2019-02, C-2020-02, C-2020-03

Prepared by: Kenny Ng, Planner

Department: Planning and Development Services

Date: November 14, 2024

Application

The applicant is requesting provisional consent to sever the subject lands to create one new residential lot containing a single detached dwelling fronting onto Willow Farm Lane. The purposes of the proposed consent applications are to:

- Create one (1) new lot fronting onto Willow Farm Lane (severed lot). The retained lot will front onto St. John's Sideroad (C-2024-04)
- Establish a 6.0-metre-wide servicing easement on the severed lot in favour of the retained lot (C-2024-05)

Background

Subject Property and Area Context

The subject lands are municipally known as 2 Willow Farm Lane, located on the south-west corner of St. John's Sideroad West and Willow Farm Lane. The subject lands have an approximate lot area of 1.0 hectares (2.5 acres), and is a corner lot with approximately 107.8 metres (353.7 feet) of frontage on St. John's Sideroad and approximately 22 metres (72.2 ft) of frontage on Willow Farm Lane. The subject lands contain a single detached

dwelling with a driveway access from Willow Farm Lane, a pool, shed and mature vegetation surrounding the dwelling and generally around the perimeter of the property.

Proposal

The proposed consent applications will:

- Sever the subject lands to create 1 new lot with frontage and access from Willow Farm Lane. The proposed new lot will accommodate a new single detached dwelling. The retained lot will continue to have frontage and access from St. John's Sideroad and contains an existing single detached dwelling (Appendix 'B')
- Establish a service easement along the south lot line for the proposed severed lot (Appendix 'B'). The purpose of this service easement is to facilitate the extension of municipal water and sanitary service to the existing dwelling on the retained lot.

	Proposed Severed Lot (Part 2 on Severance Plan, easterly lot fronting onto Willow Farm Lane)	Proposed Retained Lot (Part 1 on Severance Plan, westerly lot fronting onto St. John's Sideroad)
Lot Area	0.16 hectares (0.41 acres)	0.84 hectares (2.0 acres)
Lot Frontage	22 m (72 ft)	63.88 m (209.6 ft)

Related Planning Applications

The applicant applied for two consent applications (C-2020-02 & C-2020-03) in June 2020 to proceed with the lot severance and easement establishment and received provisional consent by the Committee of Adjustment on July 9, 2020. However, the applicant was not able to fulfill the conditions of approval within the required one-year time frame and the conditional approval for the consent applications lapsed accordingly. The applicant has therefore applied to the Committee of Adjustment again in September 2024 for the same purpose of establishing the severance and easement on the subject lands.

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 subject development is an example of gentle intensification within a low-density residential neighbourhood, which will result in minimal impact while achieving the goal of providing additional housing opportunities.

Official Plan

The subject lands are designated “Estate Residential” in the Town’s Official Plan. The “Estate Residential” designation permits for single detached dwellings.

Zoning

The subject lands are zoned “ER (73) Estate Residential Exception Zone” which represents the zoning of the proposed retained lot, and “R2 (74) Detached Second Density Residential Exception Zone” which represents the zoning for the proposed severed lot under the Town of Aurora Zoning By-law 6000-17, as amended. Single detached dwellings are permitted in both zones, subject to specific development standards.

Preliminary Zoning Review

A Preliminary Zoning Review (PZR) was undertaken by the Building Services Division prior to submission of the subject application. The PZR confirmed that the proposed application will not result in any non-compliance with the Zoning By-law for the proposed severed or retained parcels.

Planning Comments

When considering an application for consent to sever lands, regard shall be had to the criteria of Section 51 (24) of the *Planning Act*. This includes, amongst other things:

- Matters of Provincial Interest
- Conformity with the Official Plan and adjacent plans of subdivision
- Suitability of the land for the purpose in which it is to be subdivided
- The dimension and shape of the proposed lots
- Adequacy of utilities and municipal services
- Number and adequacy of highways

Matters of Provincial Interest

Staff consider the proposed consent applications to create an additional lot to be suitable and appropriate as it is consistent with matters of provincial interest. In that the applications facilitate an underutilized lot with residential permissions to provide for

additional infill housing opportunities through gentle intensification inline with provincial objectives. Furthermore, staff believe that the consent application demonstrates good planning and strives to provide alternative solutions to assist in the creation of new housing opportunities.

Conformity with the Official Plan and adjacent plans of subdivision

Staff consider the proposed consent applications to be in conformity with relevant Official Plan policies and adjacent plans of subdivision. This infill development will assist in meeting growth targets established in the Town Official Plan within the built boundary, which is set out to have 4,600 new residential units by 2051. The proposal is considered to be a form of gentle intensification and thereby supports the target of creating a complete community by providing additional housing opportunities in areas adjacent to existing amenities and services. The proposed consent does not conflict with the existing lot fabric of the adjacent area, and maintains appropriate access for both Parcels. The proposed severed lot will have consistent lot frontage and fabric comparable to lots along Willow Farm Lane and surrounding lots in close vicinity. The proposed single detached dwelling is also able to maintain the surrounding built form and character which is predominantly low density residential.

Suitability of the land and adequacy of utilities, municipal services, access

The proposed new residential lot is located in close proximity to Yonge Street and contains access to local amenities and public transportation. Adequate municipal servicing allocation has been provided through Council's 2020 approval of the Zoning By-law Amendment for the proposed severed lot to accommodate a future single-detached dwelling. Other service-related matters are anticipated to be addressed via the proposed servicing easement on the proposed severed lot which will be in favour of the retained lot (C-2024-05). Staff consider the proposed easement to be appropriate to facilitate the proposed development of the lands and do not anticipate any negative impacts.

The proposed severed lot will have access provided via Willow Farm Lane, while the proposed retained lot will have access off of St. John's Sideroad which is a Regional Road under the jurisdiction of the Region of York. The Region has indicated they have no concern with the proposed access. Staff notes that there is a 0.3 meter reserve along St. John's Sideroad that will need to be lifted through a by-law, to provide access onto St. John's Sideroad for the proposed retained lot. The associated by-law will be prepared by Staff and place on a future council meeting agenda to be voted by Council for decision.

The dimension and shape of the proposed lots

The dimension and shape of the proposed severed lot is generally compatible with the surrounding area. The lots immediately south of the proposed severed lot along the east side of Willow Farm Lane have lot areas of approximately 1,150 m² to 1,600 m², which is comparable with the proposed severed lot area of 1,600 m². The lot frontages of the adjacent lots range from approximately 27 m and 29 m, while the proposed severed lot would have slightly less lot frontage at 22 m. Staff note that the reduced lot frontage would appear indistinguishable from a streetscape perspective, given the lot frontage is reduced due to the presence of a sightline triangle at the intersection of St. John's Sideroad and Willow Farm Lane. The purpose of the sightline triangle is to ensure that no structure can be erected within the triangular shaped area to improve traffic safety and driver visibility. The lot frontage would be approximately 29 m without the presence of the sightline triangle, which is comparable to adjacent lots to the south and east. The proposed severed lot is comparable in lot depth with the adjacent lots to the south.

The proposed consent applications will facilitate an additional residential lot which is consistent with the surrounding lots, result in gentle intensification within a residential neighbourhood which meets provincial interest, and is adequately serviced by municipal services. Furthermore, the proposed severed and retained lots are of a size and shape that is consistent with the existing lot fabric to the east and south of the subject lands. It has been demonstrated that a new single detached dwelling can be accommodated on the proposed severed lot, that is consistent with zoning regulations and surrounding neighbourhood. Planning staff are of the opinion that the dimension and shape of the proposed lots is appropriate, and in fact desirable as part of the wise use of land.

Additional Comments

The consent application was circulated to Town Departments/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.
Transportation	No objections.

Department or Agency	Comments
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, see conditions in Appendix 'A'.
LSRCA	No objections, see conditions in Appendix 'A'.

Public Correspondence

Written submissions were not received at the time of writing of this report. Should additional 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

Staff have reviewed the application with respect to the Section 51(24) of the *Planning Act*, R.S.O, 1990, c.P.13, as amended, the Provincial Policy Statement, Provincial Plans and the Town's Official Plan and are satisfied with the proposed consent application.

Based on the aforementioned, Staff have no objection to the approval of Consent application File No. C-2024-04 & C-2024-05 subject to the conditions attached (Appendix 'A')

Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Proposed Severance Plan

Appendix 'C' – Region of York letter dated November 4, 2024, from Christine Meehan

Appendix 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should applications C-2024-04 & C-2024-05 be approved by the Committee of Adjustment:

Planning and Development Services:

1. That the consent only applies to the subject property in conformity with the plans attached as Appendix 'B' to this report, to the satisfaction of the Director of Planning and Development Services.
2. That the Owner provide written confirmation of no outstanding payment of property taxes owing to date for the subject property, to the satisfaction of the Secretary-Treasurer.
3. Submission to the Secretary-Treasurer of four (4) white prints of a deposited Reference Plan for review showing the subject lands, which conforms substantially to the application form and sketch as submitted with this application (Appendix 'B'). One copy of the deposited reference plan must be submitted to the Town prior to the issuance of the Certificate of Official. Please note, if the transaction in respect of which the consent was given is not carried out within the two-year period following issuance of the Certificate of Official, the consent effectively will lapse [Planning Act, R.S.O. 1990, c.P.13, as amended, s. 53 (43)].
4. Submission to the Secretary-Treasurer of the required draft transfers to effect the severance applied for under Files C-2024-04 in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act. Subsection 50 (3 or 5) of the Planning Act, R.S.O 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
5. That the Owner enter into a Letter of Undertaking to acknowledge the understanding that the Owner will be required to pay cash-in-lieu of Parkland, development charges, municipal service connection fees and any other fees as required and applicable per the Town's Fees and Charges By-law to the satisfaction of the Director of Planning and Development Services.
6. That the Owner acquire the Town's enactment of a by-law to dedicate a portion of the 0.3 m reserve along St. John's Sideroad as public highway to be registered on title for the purpose of driveway access, to the satisfaction of the Director of Planning and Development Services.

Operation Services:

7. 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.
8. The Owner shall be required to provide a tree compensation fee and/or 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.
9. 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.
10. 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.

11. Conditions 7 to 10 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.

Operation Services - Public Works:

12. That the Owner obtain a Road Occupancy Permit through Public Works.
13. That the Owner prepare and submit a site servicing plan showing the proposed and existing servicing. The external servicing within the drawing shall comply with the Town's Design Criteria Manual.

York Region:

14. Submission to the Secretary-Treasurer of written confirmation from the Region of York that the Owner has satisfied all conditions, as outlined in a letter from Christine Meehan, dated November 4, 2024, be addressed to the satisfaction of the Region of York.

Lake Simcoe Region Conservation Authority:

15. That the Applicant/Owner shall pay the LSRCA Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Consent (Minor – planner review only) is \$536.
16. Fulfilment of all of the above conditions shall occur within two (2) years of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act. R.S.O. 1990, c.P.13, or the consent will lapse.