



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

Town of Aurora
Committee of Adjustment Report
No. MV-2024-01

Subject: Minor Variance Application
Ye Liu
2007 Vandorf Sideroad
Part of Lot 5, Concession 3
MV-2024-01

Prepared by: Katherine Gatzos, Planner

Department: Planning and Development Services

Date: November 14, 2024

Application

The owner/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 new two (2) storey detached dwelling. The following relief is being requested:

- a) Section 18.1.3 of the Zoning By-law states new single residential dwellings on existing lots will only be permitted through a minor variance.
 - a. The applicant is proposing to construct a new two-storey detached dwelling; and,

- b) Section 14.1.3(i) of the Zoning By-law states no development or site alteration shall occur on that portion of the lot that contains a minimum vegetation protection zone.
 - a. The applicant is proposing to construct a two-storey detached dwelling; and,

- c) Section 4.20 of the Zoning By-law states canopies may project 0.7 metres into any required yard.
 - a. The applicant is proposing to construct a two-storey detached dwelling, with canopies projecting 1.5 metres into the required front yard; and,

Background

Subject Property and Area Context

The subject property, municipally known as 2007 Vandorf Sideroad, is an established estate residential lot located just west of Highway 404. The subject property is approximately 0.59 hectares (1.45 acres), with a frontage along the south side of Vandorf Sideroad of approximately 58.7 metres. The property has a depth of approximately 100 metres, containing wooded areas, particularly to the west and south boundaries, however the majority of the property consists of manicured grassy areas. Additional mature trees are present along the eastern boundary, to provide screening of Highway 404. The subject property will be serviced by private septic and well facilities.

The overall topography of the site can be classified as gentle to moderate, with site drainage generally flowing north – south (from front to rear of the property).

An unevaluated wetland to the south partially falls within the subject property towards the rear lot boundary. No development is proposed within this feature or the associated protection zone. The White Rose – Preston Lake Wetland Complex, a provincially significant wetland (PSW), is located approximately 110 metres east of the subject property and is separated by Highway 404.

Currently, the property contains a single detached dwelling and detached garage with building footprints of 134.97 sqm (1452 sqft) and 72.56 sqm (781 sqft), respectively. The existing dwelling and detached garage are proposed to be demolished as part of the subject redevelopment of the site.

Surrounding Land Uses

The surrounding land uses for the subject property are as follows:

North: Estate residential single detached lots and wooded areas

South: Wooded areas, Westview Golf Club, and Metrolinx GO Train line

East: Highway 404, Town of Aurora and Town of Whitchurch-Stouffville boundary, and estate residential single detached lots

West: Westview Golf Club and wooded areas.

Proposal

The applicant is proposing to demolish the existing residential dwelling and detached garage on the property and replace with a new two (2) storey single detached dwelling.

The proposed new dwelling has a building footprint of approximately 625 sqm (6727.44 sqft).

Although not included as part of the subject variance, the development will also include an on-site sewage disposal system consisting of a septic tank and leaching bed in the rear yard. An existing drilled well will be used for portable water supply for the residence.

Official Plan

The subject property is designated “Countryside Oak Ridges Moraine” in the Town of Aurora Official Plan (OPA 48).

The purpose of OPA 48 is to bring the Town of Aurora Official Plan into conformity with the Oak Ridges Moraine Conservation Plan (ORMCP) as required by the Oak Ridges Moraine Conservation Act, 2001. These provisions generally require that no development or site alteration occur on lands within Key Natural Heritage Features, Minimum Vegetation Protection Zones, Significant Woodland or Landform Conservation Area (Category 2) without an amendment to, or relief from the Zoning By-law and confirmation from an accompanying Natural Heritage Evaluation of no negative impacts to ecological and hydrological features.

Schedule ‘K’ of OPA 48 classifies the subject property as partially within the 30 m Minimum Vegetation Protection Zone (MVPZ) for significant woodlands. Schedule ‘L’ of OPA 48 indicates that the subject property is within a Category 2 Landform Conservation Area.

Zoning

The subject property is zoned “Countryside – Oak Ridges Moraine (C-ORM)” in the Town of Aurora Zoning By-law 6000-17. The C-ORM zone limits development on the Oak Ridges Moraine to conservation, agriculture, golf courses, infrastructure and natural heritage uses. New single residential dwellings and related accessory uses on existing lots will only be permitted through a minor variance.

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, "[Reducing the] size of the dwelling can not be achieved with the current zoning limitations. The owner of this property is a mother of three. Her eldest daughter, Flavia, is a competitive swimmer with aspirations to excel at the National/International level. Her son, Aaron, is currently on a pre-competitive swim team, following Flavia's lead, and aspiring to join a competitive swim team. The standard swimming pool allows the kids to have less crowded and additional training time. To construct the new 2-storey dwelling and the accessory swimming pool will allow the mother to accompany her kids when training. While the current zoning by-law does not permitted for new development or site alteration on this property. Also, this lot is quite deep at the rear yard, so we have to move the proposed dwelling further to the front yard and trigger the required front and side yard setback."

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2024-01 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

A Natural Heritage Evaluation (NHE) was prepared in support of the application, which includes an analysis of existing environmental conditions on the subject property and adjacent areas. The NHE further provides recommendations and construction mitigation measures to be implemented, which have been added to the Conditions of Approval (Appendix 'A').

The proposed development minorly encroaches into the MVPZ associated with the woodland feature north of Vandorf Sideroad. The MVPZ extends south from the feature through the right-of-way and into the north portion of the subject property. This results in the MVPZ on the subject property being disconnected from the features north of Vandorf Sideroad. Further, the portion of the MVPZ on the subject property has been altered and developed over the years to include a manicured lawn and landscaped areas, a detached dwelling, and driveway.

The Owner's Environmental Consultant (SLR Consulting (Canada) Ltd.) indicates that in total, ten (10) trees are required for removal to accommodate the proposed development, which includes two (2) dead trees, however these trees were not observed to promote roosting of endangered or threatened species. A total of eighteen (18) replacement trees are proposed to be planted on-site, with the remaining twenty-one (21) existing trees being protected.

The Natural Heritage Evaluation also determined that due to the scale and minimal encroachment of the proposed development, no negative impact is anticipated on local species within the area. Further, as the MVPZ on the subject property is not connected to the northern features it does not function as a continuous buffer due to being bisected by Vandorf Sideroad. Therefore, staff are of the opinion that the development within the MVPZ will not considerably alter the existing state of the MVPZ, nor negatively impact the features north of Vandorf Sideroad.

Again, specific conditions of approval have been developed, including the need for an Evaluation Report / Tree Preservation Plan prepared by a Certified Arborist or Professional Registered Forester outlining all aspects of the impacts that this proposal will have on existing and current remaining vegetation, compensation planting per Town of Aurora's Tree Removal/Pruning and Compensation Policy, and the installation of tree protection/silt fencing during construction. Implementation of the recommendations as conditions of approval will further ensure that the proposed development will not negatively impact the surrounding natural heritage features.

Staff are of the opinion that the requested variances meet the general intent of the Official Plan, given that the policies of the Oak Ridges Moraine – Countryside designation are adhered to, and that no adverse impacts are anticipated to surrounding natural heritage features. The appropriate Conditions of Approval are also attached hereto as Appendix 'A'.

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

Architectural features, including canopies, are limited to project into any yard to ensure that they are not obtrusive from the streetscape or surrounding properties, and additionally do not negatively impact access, usability or drainage within any yard.

Zoning provisions governing natural heritage features and Minimum Vegetation Protection Zones (MVPZ) are established to ensure that development does not negatively impact surrounding areas and features.

The proposed canopy is an architectural feature that intends to provide overhead protection when entering/exiting the garage, and it is constructed wholly within the extent of the impervious driveway. Although the architectural canopy feature on the proposed dwelling encroaches further into the front yard than what the Zoning By-law permits, staff are of the opinion that this encroachment will not negatively impact access and usability of the front yard. Further, staff are of the opinion that the canopy is coordinated with

architectural features elsewhere on the dwelling, creating a cohesive built form that will not negatively alter the streetscape.

The Natural Heritage Evaluation and associated recommendations have demonstrated that the proposed development will not negatively impact the surrounding natural heritage features and systems. To ensure no resulting adverse impacts, the recommendations have also been implemented as Conditions of Approval, attached hereto as Appendix 'A'.

The Zoning By-law provisions with respect to the subject variances specifically recognize that exceptions can be made for established residential lots and additions, provided that the development would not result in any negative environmental impacts. The proposed dwelling has been located purposefully on the site to avoid impacts to the natural heritage features of the area. The submitted NHE and associated conditions of approval further ensure that any potential impacts are mitigated and avoided.

Additionally, the owner has confirmed that they are not planning to construct the indoor swimming pool for the purpose of a home occupation (swimming school). The owner has been advised that a swim school home occupation would be in contravention to the Town's Zoning By-law and a separate Minor Variance application would be required to permit this use.

As such, staff are of the opinion that the requested variances meet the general intent of the Zoning By-law.

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

The proposed variances are considered desirable for the appropriate development of the land as they permit the redevelopment of a residential dwelling with no anticipated negative impacts on local natural heritage features or systems, the public realm, or streetscape. The proposed development is not located within the LSRCA Regulated Area, and appropriate conditions have been developed as per the attached Appendix 'A'. As an estate lot with a large lot and setbacks, the property is an appropriate location for the new dwelling, and the redevelopment offers an opportunity for mitigation and enhancement opportunities to be implemented on the site, including new tree planting. Staff are of the opinion that the requested variances are considered desirable for the appropriate development of the property and given the listed conditions under Appendix 'A', are satisfied with approval of the subject application.

The dwelling is proposed in an area of the subject lot that is occupied by a manicured lawn and gardens. This location results in limited tree removal to accommodate the development, and the opportunity for the installation of enhanced plantings and compensation elsewhere on the subject property. As such, staff are of the opinion that the proposed location of the dwelling is appropriate and sited strategically to avoid negative impacts, given the building constraints present.

Staff are of the opinion that the Natural Heritage Evaluation submitted as part of this application has demonstrated that the proposed development will not negatively impact local natural heritage systems or features and has provided satisfactory mitigation measures to further reduce impacts associated with the construction of the dwelling, which have been incorporated as Conditions of Approval. Fulfillment of the conditions will in turn result in enhancements of natural heritage elements on the subject property, including additional tree canopy area, while also implementing strategies during construction and in the design of the buildings will be able to ensure no negative adverse impacts.

As such, staff are of the opinion that the requested variances are considered desirable for the appropriate development of the property, provided that the Conditions of Approval attached hereto as Appendix 'A' are satisfied.

d) The proposed variances are considered minor in nature

The proposed variances are minor in nature and facilitate the construction of a dwelling within a relatively manicured landscaped area on the subject property.

The subject property is occupied by areas of woodland along the rear and westerly property lines, and a noise fence along the east property line which provide for substantial screening of the proposed dwelling. Staff consider the encroachment of the canopy feature within the front yard to be minor and will not impede on the function or usability of the front yard and driveway. Further, the canopy feature is compatible with the other modern architectural features of the dwelling, without being overtly obtrusive to the streetscape.

As such, staff are of the opinion that there are no visual and streetscape impacts as a result of the proposed development, including views from adjacent properties.

Further, the accompanying Natural Heritage Evaluation has demonstrated that there are no negative impacts to surrounding features as a result of the proposed development and has outlined mitigation measures to ensure this.

Staff are of the opinion that the requested variances are minor in nature and that construction impacts will be negated through appropriate mitigation measures attached hereto as Appendix 'A' –Conditions of Approval.

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 with conditions.
Operational Services (Public Works)	No objections with conditions.
Central York Fire Services	No objections.
York Region	No objections.
LSRCA	No objections with conditions.

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 variance 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

The following conditions are required to be satisfied should application MV-2024-01 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.
2. That the recommendations of the Accompanying Natural Heritage Evaluation dated September 24, 2024, and prepared by SLR Consulting (Canada) Ltd. (listed under Section 3.0 of the Evaluation) be satisfied per the discretion of the Director of Planning and Development Services or their designate.
3. An approved Road Occupancy Permit is required through the Town of Aurora Public Works department.
4. The Applicant/Owner shall pay the Lake Simcoe Region Conservation Authority (LSRCA) Plan Review Fee in accordance with the approved LSRCA Fee Schedule. The applicable fee for Minor Variance (Minor – planner review only) is \$536.
5. 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 vegetation. The report shall assess existing trees (5cm trunk diameter and greater), identify tree removals, if any, identify tree protection measures and make recommendations on the mitigation of negative effects to vegetation, during and post construction periods. As well, make recommendations for measures aimed at tree health care and protection for trees effected by the project and any remaining trees in the vicinity of the project that require applicable maintenance.
6. In addition, the report shall include a schedule of monitoring of the ongoing site work through a series of scheduled site visits by the Arborist / Forester during and post construction to ensure the vegetation preservation measures remain in compliance throughout the duration of the project. 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.

7. The owner shall be required to provide vegetation compensation and a replanting plan in accordance with the Town of Aurora TREE REMOVAL/PRUNING AND COMPENSATION POLICY 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.
8. 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.
9. Where compensation planting is required, the owner shall agree 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 Manager of Parks Division.
10. 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.