



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

Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2024-21

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**Subject:** Minor Variance Application  
Ahmed  
45 Steeplechase Avenue  
PLAN M1582 LOT 10  
File: MV-2024-21

**Prepared by:** Katherine Gatzos, Planner

**Department:** Planning and Development Services

**Date:** November 14, 2024

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## 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 two-storey detached dwelling. The following relief is being requested:

- a) Section 7.2 of the Zoning By-law requires a maximum building height of 10 metres.
  - a. The applicant is proposing to construct a two-storey detached dwelling, which is 10.6 metres.
  
- b) Section 14.1.2(ii) of the Zoning By-law states no site alteration shall occur on that portion of said lot that is within the feature, without an amendment to, or relief from the Zoning By-law.
  - a. The applicant is proposing to construct a two-storey detached dwelling.
  
- c) 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, without an amendment to, or relief from the Zoning By-law.
  - a. The applicant is proposing to construct a two-storey detached dwelling.
  
- d) Section 14.1.4(i) of the Zoning By-law states no development or site alteration shall occur on that portion of the lot that contains a significant woodland, without amendment to, or relief from the Zoning By-law.

- a. The applicant is proposing to construct a two-storey detached dwelling.

## Background

### Subject Property and Area Context

The subject property, municipally known as 45 Steeplechase Avenue, is part of an established estate residential subdivision generally located northwest of the intersection of Bloomington Road and Bayview Avenue.

The subject property has an area of approximately 0.86 ha (2.15 ac), and lot frontage on the north side of Steeplechase Avenue of approximately 121.61 m (399 ft). The subject property has a depth of over 125 m, and largely consists of woodland, particularly along the west and east boundaries and the rear lot area.

The subject property presently contains an active construction site for the dwelling proposed through the subject Minor Variance application, a driveway, a retaining wall, and mature vegetation. The retaining wall generally surrounds the area of the mature vegetation on the property, separating it from the landscaped open space area where development is proposed.

### Proposal and Project History

The Applicant is proposing to construct a new two-storey dwelling on the subject property with a gross floor area (GFA) of 527.69 sqm (5680 sq ft).

In April 2021, Committee of Adjustment approved Minor Variance application MV-2020-25, which permitted the development of a detached garage, and two building additions to an existing two-storey single detached dwelling on the subject property.

A Building permit was issued for the subject property with respect to the additions to an existing structure, plumbing systems and a demolition on October 4, 2022. In the spring of 2024, structures on the property were demolished and construction of a new dwelling commenced. A demolition permit was issued on April 19, 2024, however the construction work for the new dwelling began without proper building permits. On May 6, 2024, applications were submitted to the Town for the construction that was undertaken. However, the applications were incomplete, did not comply with the Town's Comprehensive Zoning By-law 6000-17, as amended and had a deficiency relating to the *Building Code Act, 1992*, S.O. 1992, c. 23 (the "Building Code Act").

Although some items have been dealt with, the related Building Permit application remains deficient. Specifically, it was determined that a Minor Variance is required to

construct on the subject property due to the zoning deficiencies identified earlier in this report. Given that work commenced before a Building Permit was issued, various compliance orders were issued by the Town's Building Department. Due to the identified non-compliance, Stop Work Orders were issued by the Chief Building Official on May 27, 2024. Various deficiency letters were also issued in May, June and July, outlining the deficiencies of the building permit application.

As a result of conducting construction without a building permit and in violation of Town orders, charges have been laid against the property owner and the construction company. This process is currently ongoing before the Provincial Offences Court, with the next appearance scheduled for January 20, 2025.

To address the above noted non-compliance, the applicant has submitted the subject Minor Variance application to address identified zoning deficiencies.

The proposed development is located wholly within the open yard area around the dwelling and is not within the mature vegetation area of the property which is delineated by the existing retaining wall. No mature trees are proposed to be removed.

Neighbouring properties to the west, north and east are heavily screened by landscaping and swaths of wooded area. Mature trees towards the south boundary along Steeplechase Avenue ensure there is ample screening of the proposed dwelling from the streetscape.

### **Official Plan**

The subject property is designated "Estate Residential" by the Yonge Street South Secondary Plan (OPA 34). The subject property is also designated as "Oak Ridge Moraine Settlement Area" by Amendment No. 48 to the Town of Aurora Official Plan (OPA 48). Schedule 'K' of OPA 48 identifies the presence of a Key Natural Heritage Feature (Woodland) and its associated Minimum Vegetation Protection Zone (MVPZ) on the subject property. Schedule 'L' of OPA 48 indicates that the subject property is within a "Category 2 – Moderately Complex Landform" area.

Permitted uses within an Estate Residential designation shall be limited to one detached dwelling per lot, accessory structures, and compatible home occupations. Lots within this designation shall preserve a minimum of 75% of the lot in an open, landscaped or natural condition.

As per OPA 48 and The Oak Ridges Moraine Conservation Plan (ORMCP) a scoped Natural Heritage Evaluation is required to support the expansion of the proposed two-

storey dwelling to demonstrate no adverse affects to the ecological integrity of the Plan Area.

## **Zoning**

The subject lands are zoned “Estate Residential (ER)” in the Town of Aurora Zoning By-law 6000-17. The ER zone is characterized by large lots and setbacks to establish an extremely low-density residential area.

## **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. The proposed dwelling is fully compliant with all other setback provisions of the Estate Residential zoning. With the exception of building height, the required variances are triggered due to the key natural heritage feature that is present on the property and community area.

## **Applicant’s stated reason(s) for not complying with the Zoning By-law**

As stated on the application form, “can’t comply based on the design of the new residence, any changes to the property requires minor variance approval”.

## **Planning Comments**

Planning Staff have evaluated Minor Variance Application MV-2024-21 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 intent of the “Estate Residential” designation is to ensure a low-density residential setting is maintained, and the intent of the “Environmental Protection Area” designation is to protect local natural heritage features from adverse impact. The proposed application retains the low density single detached use and has sufficiently demonstrated that it can occur without resulting in negative impacts to local natural heritage features or systems. The subject property is also specifically classified as part of the Settlement Area and is intended to accommodate residential uses including associated accessory structures.

A Natural Heritage Evaluation (NHE) was prepared by Beacon Environmental in support of the application, which includes an analysis of existing environmental conditions on the subject property and adjacent areas. The Evaluation further provides recommendations

and construction mitigation measures to be implemented, which have been added to the Conditions of Approval (Appendix 'A').

The NHE indicates that impacts associated with the proposed development are primarily limited to the removal of manicured lawns and landscaped areas and associated common weedy vegetation, and encroachment into the dripline of the woodland within the area of the yard and septic bed. Mitigation measures have been added to the Conditions of Approval to limit potential impacts. With the implementation of the recommended mitigation measures, the proposed development is not anticipated to have negative impacts on adjacent natural features.

The proposed construction is compatible with the built form in the existing neighbourhood, and dense vegetation around the perimeter of the lot provides for adequate screening.

Overall, staff are of the opinion that the requested variances meet the general intent of the Official Plan, and again are further satisfied given the fact that no adverse natural heritage impacts are anticipated as provided through the accompanying Environmental Impact Study, and that additional conditions of approval have been developed to ensure no other negative impacts result from the proposal (as per the attached Appendix 'A').

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

The intent of the Estate Residential (ER) zone is to ensure that low density residential development characterized by large lot areas and setbacks are maintained. Further, 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 intent in minimizing dwelling height is to reduce privacy concerns related to overlook and shadow impacts onto adjacent properties, and to ensure that dwellings are not overly obtrusive.

The applicant has submitted a NHE as part of the subject application which confirms that the proposed development will not adversely impact the ecological integrity of the onsite and adjacent environmental features. The NHE also includes a list of recommended mitigation measures to further protect the integrity of the feature on the subject property and the associated MVPZ.

The applicant has submitted an NHE as part of the subject application which confirms that the proposed development will not adversely affect the ecological integrity of the ORMCP Plan Area. The NHE also includes a list of recommended mitigation measures to

further protect the integrity of the feature on the subject lands and its MVPZ. Staff are satisfied with the findings and recommendations of the NHE.

The NHE indicates that impacts associated with the proposed development are primarily limited to the removal of manicured lawns and landscaped areas. The submitted NHE and associated conditions of approval further ensure that any potential impacts are mitigated and avoided.

The proposal has demonstrated no negative impacts will arise, specifically with recommendations on mitigation to be implemented as per the submitted Environmental Impact Study and related conditions of approval. As an estate residential lot with large setbacks and ample wooded areas along all property lines, Staff are of the opinion that the proposed 0.6m increase building height will not result in any negative impacts to the streetscape or neighbouring properties.

Therefore, 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 and appropriate development of the land as they allow for the redevelopment of a two-storey dwelling that is in keeping with the intent of the Estate Residential (ER) zoning provisions and with no anticipated undue adverse impacts on local natural heritage features or systems, nor any negative impacts to the public realm or streetscape. The property is not part of the LSRCA Regulated Area, and appropriate conditions have been developed as per the attached Appendix 'A'. As an Estate Residential parcel with a large lot and setbacks, the property is an appropriate location for the new dwelling.

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.

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

The proposed variances are minor in nature and facilitate the construction of a two-storey dwelling within a relatively manicured landscaped area on the subject property, while accommodating the constraints associated with the adjacent woodland and associated MVPZ. The subject property is occupied by swaths of woodland along all property lines which provide for substantial screening of the proposed two-storey dwelling. 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 provided recommendations and mitigation measures to ensure this.

As such, 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' – Recommended 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:

<b>Department or Agency</b>	<b>Comments</b>
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.
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

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 & Elevations



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

The following conditions are required to be satisfied should application MV-2024-21 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. An approved Road Occupancy Permit is required through the Town of Aurora Public Works department.
3. That the recommendations of the Accompanying Natural Heritage Evaluation dated September 12, 2024, and prepared by Beacon Environmental (listed under Section 7.2 of the Evaluation) be satisfied per the discretion of the Director of Planning and Development Services or their designate.
4. 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.
5. Monitoring shall occur:
  - a. at commencement of work to certify all tree protection measures are in place,
  - b. during site work to confirm protection measures are in place and to oversee arboricultural works as required, and
  - c. 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.

6. A monetary evaluation in accordance with the Town's Tree Compensation Policies for all trees designated to be removed.
7. 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.
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. 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.
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.