



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

Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2024-29

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**Subject:** **Minor Variance Application**  
Eric Birkland  
7 Johnson Road  
PLAN 514 LOT 491  
File: MV-2024-29

**Prepared by:** **Felix Chau, 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 detached garage. The following relief is being requested:

- a) Section 24.497.8 of the Zoning By-law permits a maximum gross floor area of 40.0 m<sup>2</sup> (430.5 ft<sup>2</sup>). The applicant is proposing a detached garage with a gross floor area of 45.0 m<sup>2</sup> (484.4 ft<sup>2</sup>).

## Background

### Subject Property and Area Context

The subject lands are municipally known as 7 Johnson Road and are located at the southeast corner of Johnson Road and Browning Court.

The subject lands currently feature a one-storey detached dwelling and a carport. The carport is proposed to be demolished as part of the redevelopment of the lands. The subject lands have an approximate lot area of 654.8 m<sup>2</sup> (7,048.2 ft<sup>2</sup>) with approximately 14.6 m (48 ft) of frontage along Johnson Road and approximately 39.5 m (129.5 ft) of frontage along Browning Court. Vehicular access is provided by way of driveway access along Browning Court.

## Proposal

The applicant is proposing to demolish the existing carport to construct a detached garage with a building footprint of 45.0 m<sup>2</sup> (484.4 ft<sup>2</sup>).

## 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 R3-SN (497) (Detached Third Density Residential Exception Zone) by the Town of Aurora Zoning By-law #6000-17, as amended, where Detached Dwelling and associated accessory buildings are permitted 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 variance and no other non-compliance was identified.

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

The applicant states in the application form that the By-law maximum of 40.0 m<sup>2</sup> for a detached garage does not permit accommodation of a mid-sized pickup truck and the possibility of having a small workshop, which is required for a small bungalow.

## Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2024-29 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 lands are designated 'Stable Neighbourhoods' under the Town of Aurora's Official Plan. The intent of the "Stable Neighbourhoods" designation is to protect from incompatible forms of development while also allowing neighbourhoods to be enhanced over time. The variance requested is not anticipated to have any negative impact on the character of the existing residential neighbourhood. The proposed location of the detached garage is south of the existing detached dwelling, and it is intended to replace

the existing carport. There is minimal to no disruption on the streetscape and the surrounding context of the neighbourhood is not impacted as a mix of detached garages and carports are featured in the surrounding lots. While the proposal includes the removal of one tree, there is sufficient existing vegetation towards the southerly property line which will visually buffer the proposed detached garage from neighbouring properties and the streetscape. Furthermore, the Town's Operational Services (Parks) Division has provided conditions of approval, included in Appendix A, which ensure that the removal of any trees are appropriately documented and compensated to mitigate any potential impacts resulting from the removal.

Furthermore, the Stable Neighbourhoods designation outlines design policies for all new development that shall respect and reinforce the existing physical character and uses of the surrounding area. The attention to the building type, heights and scale of nearby residential properties is essential for all new development. The proposed detached garage adequately meets the intent of these design policies and allows for a smooth transition between neighbouring properties.

Staff are of the opinion that the requested variance meets the general intent of the Official Plan.

**b) The proposed variance meets the general intent of the Zoning By-law**

The intent of the "Detached Third Density Residential R3-SN (497)" zoning is to ensure that the streetscape and public realm are maintained with appropriately sized and oriented buildings. The intent of the maximum gross floor area for accessory detached structures provision is to ensure that accessory structures remain subordinate to the main building on the property, and to ensure adequate space for drainage, maintenance, and outdoor amenities.

Although the proposed detached garage exceeds the maximum gross floor area requirement by 5 m<sup>2</sup>, which represents a 10% increase in size, the detached garage remains modest in its overall mass and continues to meet all other provisions of the zoning by-law, thus resulting in minimal visual obstruction and impact. The existing detached dwelling on the lot is 123.3 m<sup>2</sup> in size and therefore a 45 m<sup>2</sup> detached garage will appear and function subordinate to the main building on the lot. Furthermore, the subject property has a lot area of 654.8 m<sup>2</sup>, thus sufficient space for drainage, maintenance and outdoor amenity area will remain as the total lot coverage of all structures on the property would be 25.7%.

As such, Staff are of the opinion that the requested variances meet the intent of the Zoning by-law.

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

The minor variance has been considered in the context of the site itself and the adjacent neighbourhood. The proposed detached garage has been designed in a manner that respects the existing neighbourhood and adjacent neighbour. It is proposed to be in a similar location to the existing carport, and while the existing driveway is proposed to be widened, it will comply with the Zoning By-law maximum permitted driveway width of 6.0 m. The proposed detached garage maintains a 3.0 m setback to the nearest shared property line (south) and it will be visually buffered by existing mature vegetation.

The proposal allows for appropriate development of a detached garage to facilitate vehicular parking within an enclosed building, while also providing additional storage space for residential functions. It will enhance the residential function for the owner in transitioning from a carport to a fully enclosed private garage which provides additionally storage space and safety, in a manner that in keeping with surrounding properties with similar structures.

It is Staff's opinion that the requested variance is desirable for the appropriate development of the land.

**d) The proposed variance is considered minor in nature**

The question of the minor nature of a proposed variance can be related to its scale and impact on adjacent properties. In the opinion of staff, the requested variance is considered to be minor and is not expected to have any adverse effects on the subject lands, neighbouring properties, or the character of the existing mature neighbourhood as a whole. Staff consider the proposed detached garage which exceeds the Zoning By-law maximum by 5 m<sup>2</sup> to be minimal.

As previously stated, one tree is proposed to be removed to facilitate driveway access to the proposed garage. As previously stated, the Parks Division has provided conditions of approval which mitigates any potential impacts resulting from the loss of the tree. The proposed addition conforms to all other applicable zoning provisions, and Staff are of the

opinion that the proposed relief from the maximum accessory building gross floor area will not result in overdevelopment of the site or result in any detrimental impacts.

Staff are of the opinion that the requested variance is 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:

<b>Department or Agency</b>	<b>Comments</b>
Building Division	Preliminary Zoning Review was completed. No objections.
Engineering Division	No objections.
Operational Services (Parks)	No objections.
Operational Services (Public Works)	No objections.
Central York Fire Services	No objections.
York Region	No objections.
LSRCA	No objections.
Alectra	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 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 conditions outlined in Appendix 'A.'

## **Attachments**

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan

Appendix 'C' – 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.

### Operational Services – Parks:

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:
  - 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.
  - Identification of all tree injuries and tree removals, if any.
  - Identification of all tree protection measures including recommendations on the mitigation of negative effects to trees during and post construction, including applicable maintenance requirements.
  - 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.
  - 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.

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.
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.
6. 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:

7. That the Owner obtain a Road Occupancy Permit through Public Works.
8. That the Owner obtain a Curb Cut Permit through Public Works.