



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

Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2024-30

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**Subject:** Minor Variance Application  
David Butler  
81 Tyler Street  
PLAN 30 LOT 37  
File: MV-2024-30

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

**Department:** Planning and Development Services

**Date:** November 14, 2024

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## Application

The owner 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 (2) storey detached garage and associate private driveway off George Street. The following relief is being requested:

- a) Section 4.1.2 (b) of the Zoning By-law permits a maximum height of 4.5 metres. The applicant is proposing a detached garage with a height of 6.2 metres.
- b) Section 5.6.1 (c) of the Zoning By-law states only one driveway access point shall be permitted for each residential lot. The applicant is proposing a second driveway access point on George Street.
- c) Section 5.6.1(a)(ii) of the Zoning By-law permits a maximum driveway width of 6.0 metres if the lot frontage is greater than or equal to 9.0 metres and less than 18.0 metres. The applicant is proposing a driveway width of 7.4 metres.

## Background

### Subject Property and Area Context

The subject property, municipally known as 81 Tyler Street, is located on the west side of George Street, in the southwest corner of the intersection of George Street and Tyler

Street. The subject property has an area of roughly 534.5 m<sup>2</sup> (5753.31 sq. ft) and a frontage of approximately 16.45 m (53.96 ft) on Tyler Street and 40.99 m (134.48 ft) on George Street. The existing property contains a two-storey single detached dwelling with driveway access off Tyler Street. An accessory shed is located in the southwest corner of the property, which will be removed as part of the proposed development.

### **Proposal**

The owner proposes to construct a two (2) storey detached garage in the rear yard of the subject property. The proposed detached garage will also contain a private driveway access off George Street.

### **Bill 23 – the Mores Homes Built Faster Act**

Bill 23 amended the Planning Act to permit additional residential units as-of-right across the province. The intent of the legislation is to assist the province in meeting planned minimum housing and density targets. Additional residential units are specifically seen as assisting with creating housing opportunities through the gentle intensification of traditionally lower density residential areas. Landowners are now permitted as-of-right to add additional residential units on properties containing a single detached dwelling, semi-detached dwelling, or a townhouse. The provincial additional residential unit framework under Bill 23 supersedes local official plans and zoning province wide for the use.

The proposed two (2) storey detached garage is designed in a manner that can also serve as an additional residential unit on the second floor, while also providing two (2) parking spaces on the proposed private driveway. The Town is able to regulate siting provisions such as setbacks but is strictly prohibited from regulating minimum unit sizes or requiring more than one parking space on the lot in connection with these units. The Town's Zoning By-law has not yet been updated to account for the province's new framework on additional residential units, and as such, some variances are technically required.

### **Official Plan**

The subject lands are designated in the Town's Official Plan as "Stable Neighbourhoods". The intent of this designation is to ensure that residential neighbourhoods are protected from incompatible forms of development, while allowing neighbourhoods to be enhanced over time. Detached dwellings and additional residential units are permitted under this designation.

## Zoning

The subject property is zoned “R3 – Detached Third Density Residential Zone” by Zoning By-law 6000-17, as amended, which permits single detached dwellings and additional residential units.

## 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, “The existing house has no garage on the property. The owner would like a 2-vehicle enclosed garage with possibility of a secondary suite above ground level. This accessory building is proposed to replace an existing accessory building on the property that is not large enough to serve as a garage. The property faces two streets. A detached garage with access to George Street makes the most sense as there is considerable lot depth and the proposed location will fit harmoniously with both the owners property and adjacent properties.”

## Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2024-30 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 intent of the ‘Stable Neighbourhoods’ Official Plan designation is to ensure that residential neighbourhoods are protected from incompatible forms of development, while allowing the neighbourhoods to be enhanced over time. The designation permits ground oriented residential development, which includes single detached dwellings and additional residential units, and focuses on ensuring new development is designed in an appropriate and high-quality manner to enhance the streetscape.

Additional Official Plan policies also encourage a greater range and mix of housing, including through the promotion of gentle intensification. It is a primary objective of the Town’s Official Plan to encourage a broad range of housing sizes, densities, designs, tenures, and prices to meet the needs of current and future residents. The Official Plan specifically encourages innovative approaches to adding density and housing and

encourages units to be at a range of sizes, scales, and opportunities. The proposed detached garage is designed in a specific manner to function as a standard two car garage for the property owner, while also providing for the potential of an additional residential unit within the second floor. The subject property currently does not benefit from having a garage, therefore, through the proposed development, the overall function of the property will be enhanced and also provide for an additional residential unit.

The underlying priority is for new development to be introduced in a complementary manner, particularly from an architectural design and compatibility perspective. Staff are of the opinion that the requested variances will facilitate the construction of a two (2) storey detached garage that is designed in a manner that is of high-quality and that will enhance the local streetscape. Streetscape architectural elements, such as the distinctive limestone and the use of board and batten siding are compatible and complementary with the neighbourhood area.

Furthermore, staff are of the opinion that the requested variances is compatible with and generally in keeping with the low-density residential form and character of the neighbourhood. The proposed development will not result in any significant negative impact on the character and streetscape of the existing residential neighbourhood. Existing two-storey dwellings with enclosed and detached garages are already present in the surrounding neighbourhood.

As such, staff are of the opinion that the requested variance is in keeping with 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 "Detached Third Density Residential (R3) Zone," under Zoning By-law 6000-17, as amended. The intent of the zoning is to ensure that the streetscape and public realm are maintained with high-quality and compatible forms of development. A summary of the variances requested and how they meet the general intent of the Zoning By-law is as follows:

##### **Maximum Building Height:**

The intent of the building height provision for accessory structures is to ensure that accessory development does not dominate the primary structure or create an imbalance on the property. Furthermore, the implementation of the height provisions for accessory detached structures as found currently in the by-law was intended to accommodate more

traditional accessory structures like sheds and stand-alone garages, where heights were to be at a minimum and there was no habitability of the structures. As such, detached garages that also contain additional residential units on the second floor are technically classified as accessory structures, with a height limitation of 4.5 metres to the peak.

The proposed two (2) storey detached garage enables the wise use of land and serve to provide indoor parking for the existing single detached dwelling, while also providing driveway parking to serve the additional residential unit found on the second floor of the garage. The Zoning By-law again does not yet accommodate for this type of innovation in housing through the use of additional residential units and does not account for the height requirements that would be required to ensure the livability and functionality of the additional residential unit space.

The detached garage in the rear yard will be subordinate to that of the primary dwelling and are not anticipated to dominate the property, especially given the substantial lot depth, and that all other zoning provisions including for lot coverage and gross floor area are complied with. The maximum lot coverage permissible in the Zoning By-law for accessory structures is 15% and staff has confirmed that the proposed detached garage is to be 13%. Staff are of the opinion that the requested variance meets the intent of the Zoning By-law.

#### **Maximum Driveway Width:**

The intent of the maximum driveway width is to ensure adequate vehicular parking, access and manoeuvrability on-site. The proposed two (2) storey detached garage development requires a maximum driveway width of 7.4 metres, whereas the by-law permits a maximum driveway width of 6.0 metres. This results in an additional 1.4 metres of additional width to accommodate the proposed detached garage; however, the additional driveway width is not at the street frontage but rather internal on site.

The Zoning By-law provision is generally intended to regulate driveway widths at the street to ensure consistency along the public realm. This is not a concern, as the width subject to the variance is internal on site and allows for appropriate parking and manoeuvrability. The proposed development will require the removal of one tree, which is situated right in the middle of the driveway. The appropriate conditions of approval have been implemented by the Parks Department, to ensure any tree removals on site are evaluated appropriately. Staff are of the opinion that the requested variance meets the intent of the Zoning By-law.

#### **Maximum Driveway Access Points:**

The intent of Section 5.6.1 (c) of the Zoning By-law is to limit the maximum number of driveways to one (1) for lots that have a lot frontage of less than 25 metres. The overall purpose of this section is to ensure a uniform streetscape that is not predominantly dominated by private driveways. In the opinion of staff, the proposed driveway location is adequate in serving the proposed detached garage, while maintaining a uniform streetscape along George Street. The proposed driveway entrance will generally be in line with the property directly across located at 67 George Street and continue the uniform streetscape presence along George Street.

Furthermore, the subject property currently maintains an existing private driveway on the west side of the single detached dwelling with access off Tyler Street. The existing driveway cannot serve the proposed detached garage and would require significant hardscape paving which in the opinion of staff, can alter stormwater management and drainage on the subject property. Therefore, the proposed additional access driveway off George Street is appropriate and sufficient to serve the proposed detached garage.

The Town's Traffic Engineer and Public Works Department have also reviewed the minor variance application with no objections to the application. Overall, it is the opinion of staff that the proposed variance is considered desirable for the appropriate development of the land.

**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 Official Plan criteria for new development within the Stable Neighbourhood designation, while also providing enhanced functionality through the use of a detached garage, which is not currently present on the subject property. Furthermore, the proposed development will also provide for the potential of critical new and attainable housing opportunities for the local community. The architectural design of the proposed detached garage complements the streetscape and enhances the urban design of the neighbourhood by providing the wise use and management of land within the urban boundary. The gentle intensification as proposed aligns with the direction of the province under Bill 23.

Staff are satisfied that the location of the proposed driveway will not impact the adjacent property and local traffic. The Town's Traffic Engineering Division have reviewed the application and have no objection. The proposed second driveway location is at an adequate distance from the George Street and Tyler Street intersection which is a designated four-way stop.

The appropriate conditions of approval have also been developed, including for the need to obtain a Road Occupancy Permit, Curb Cut Permit, Site Servicing Plan and to ensure any tree removals are evaluated.

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 and are not expected to have any significant adverse effects on the subject property, neighbouring properties, or the overall streetscape. The proposal is designed to implement a mixture of modern/classic architectural elements and feature high quality materiality. Adjacent and surrounding properties have also been subject to alteration/redevelopment to larger detached homes and associated garages.

Staff are of the opinion that the proposed development will not create any impacts related to overlook and privacy to the neighbouring property. The proposed detached garage only provides for two (2) windows along the southern end of the structure, one window on the first floor, that serves as vehicular parking for the owner and the second window on the second floor that serves as an additional residential unit.

Mature vegetation is also present along the southern property line of the adjacent property to the rear, which will assist in providing buffering and screening. One tree is proposed to be removed as a result of the subject application, but an Evaluation Report will be required to be prepared to ensure appropriate tree protection including during construction.

The proposed detached garage and associate private driveway conforms to all other applicable zoning provisions, and staff are of the opinion that the proposed relief from the maximum height provision, maximum driveway width and additional driveway will not result in overdevelopment of the site or any negative impacts.

As such, 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:

Department or Agency	Comments
Building Division	Preliminary Zoning Review was completed. No objections.
Engineering Division	No objections, subject to conditions.
Operational Services (Parks)	No objections, subject to conditions.
Operational Services (Public Works)	No objections, subject to conditions.
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 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

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 and 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 Division

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:
  - 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.
  - e. 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.
    - iv. 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.

#### Engineering & Capital Delivery Division

9. 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.