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Town of Aurora
Committee of Adjustment Report
No. MV-2024-31

Subject: **Minor Variance Application**
Lisa Wilson Duff
47 Cousins Drive
PLAN 340 PT LOT 35 & 36
File: MV-2024-31

Prepared by: **Felix Chau, Planner**

Department: Planning and Development Services

Date: December 12, 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 a rear addition to an existing detached dwelling. The following relief is being requested:

- a) Section 24.497.3.2 of the Zoning By-law requires a minimum rear yard of 25% of the lot depth, which is 11.43 metres. The applicant is proposing a one-storey addition, covered porch and deck, which is 9.8 metres to the rear property line.
- b) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard of 3.0 metres beyond the main rear wall of the adjacent dwelling. The applicant is proposing a one-storey addition, covered porch and deck which is 1.4 metres to the interior side property line.
- c) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard setback of 1.5 metres. The applicant is proposing a one-addition, covered porch and deck which is 1.4 metres to the interior side property line.

Background

Subject Property and Area Context

The subject lands are municipally known as 47 Cousins Drive and it is located on the south side of Cousins Drive, east of Yonge Street.

The subject lands have an approximate lot area of 1045.2 square metres (11,250 square feet) and an approximate lot frontage of 22.9 metres (75 feet). A two-storey detached dwelling is currently featured on the lands which will remain as part of this proposal.

Proposal

The applicant is proposing to construct a one-storey addition, covered porch, and deck to the rear of the existing two-storey detached dwelling. The proposed addition is 86.86 square metres (935 square feet) in size and is intended for a secondary dwelling unit. The proposed covered porch is 10.89 square metres (117.2 square feet), and the proposed deck is 9.74 square metres (104.8 square feet) and are both accessed from the proposed addition.

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, semidetached dwelling, or a townhouse. The provincial additional residential unit framework under Bill 23 supersedes local official plans and zoning province wide for the use.

Official Plan

The subject property is designated 'Stable Neighbourhoods' by the Town of Aurora Official Plan. This 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 is listed as a permitted use.

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 applicant is seeking relief from the Zoning By-law to create enough livable space for a comfortable secondary unit and to create a covered entrance to the secondary dwelling.

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2024-31 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 ensure that all new development will be protected from incompatible forms of development. The designation permits ground-oriented residential development, which includes detached dwellings, and focuses on ensuring new development is designed in an appropriate and high-quality manner to enhance the streetscape.

The underlying priority is for new development and infill housing opportunities to be introduced in a complementary manner, particularly from an architectural design and compatibility perspective. To assist infill developments to be compatible with the exiting neighbourhood, a Stable Neighbourhood Design Guidelines was developed. The proposed dwelling has been reviewed with guidance from the Stable Neighbourhoods Design Guidelines. The exterior of the proposed addition maintains the same architectural material as the existing detached dwelling, as such, it will preserve the look of a single detached dwelling on the lot. Staff are of the opinion that the requested

variances will not have an impact towards the local streetscape as the requested addition is in the rear of the existing detached dwelling.

Staff are of the opinion that the proposed development meets the applicable policies and maintains the general intent and purpose of the Official Plan.

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

Minimum Rear Yard Lot Depth

The intent of the minimum rear yard lot depth provision of the Zoning By-law is to ensure that there is adequate space for outdoor amenity area, privacy, access and drainage. The Zoning By-law requires a minimum rear yard of 25% of the lot depth, which is 11.43 metres (37.5 feet) whereas the requested variance contemplates a minimum rear yard setback of 9.8 metres (32.2 feet). As such, the proposed addition encroaches into the minimum required rear yard by 1.63 metres. The proposed addition is 86.86 square metres (935 square feet) in size, representing 8.3% of the total lot area.

Furthermore, the width of the proposed addition which encroaches into the minimum required rear yard is 6.0 metres (19.6 feet), whereas the existing detached dwelling has an approximate width of 17.2 metres (57.8 feet). As such, in conjunction with the one-storey nature of the proposed addition, the requested variance will not result in the overdevelopment of the site or impose any negative massing impacts towards the neighbouring properties.

Staff are of the opinion that impacts related to overlook and privacy to the neighbouring property will be minimal, given there are minimal windows proposed on the westerly wall of the addition. As such, the proposed addition meets the intent of the rear yard lot depth provision of the Zoning By-law, as sufficient space for outdoor amenity area, privacy, access and drainage is maintained.

Minimum Interior Side Yard Setback

There are two provisions within the Zoning By-law pertaining to the minimum interior side yard setback which require variances to facilitate the proposed addition. The By-law establishes a minimum interior side yard of 3.0 metres beyond the main rear wall of the adjacent dwelling and a minimum interior side yard setback of 1.5 metres.

The intent of both side yard setback provisions is to ensure appropriate and adequate spacing for landscaping, access, drainage and to promote a level of openness and privacy between neighbouring properties and reduce overdevelopment of the site. Although the proposed addition has a reduced side yard setback of 1.4 metres, the addition itself is modest in its overall mass as it is a one-storey addition (3.8 metres in height), whereas the existing dwelling is two-storeys (6.4 metres in height), thus resulting in minimal visual obstruction and impact. The proposed addition is intended to be used as a secondary dwelling unit. The requested reduction to the side yard setback will result in minimal impacts, as it relates to building separation to the adjacent properties. The proposed side yard reductions still provide for adequate access to the rear yard and does not have an impact on maneuverability. Engineering staff have also reviewed and have no objections with the structure in regard to drainage concerns.

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 addition has been designed in a manner that respects the existing neighbourhood and adjacent neighbour. The requested variance will also enable the existing dwelling to expand their indoor living area while maintaining ample amenity area and backyard green space. The proposed one storey addition provides sufficient room for access, drainage, and maneuverability along the westerly side yard. The overall impact of the design is proportional to the lot size and the addition has been designed in a manner that respects neighbourhood privacy and spacing.

The proposal allows for the appropriate development of the site to accommodate an addition for a secondary dwelling unit and is done so in a manner that in the opinion of staff respects the existing neighbourhood character. The streetscape is unaltered as the addition is located to the rear of the property, while the character of the neighbourhood is maintained as the addition will not generate any streetscape concerns relating to its overall massing and scale.

As such, the requested variance is considered 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 variances are considered to be minor and are 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 are of the opinion that impacts related to overlook and privacy to the neighbouring property will be minimal, given there are minimal windows proposed on the westerly wall of the addition in addition to existing vegetative screening that will remain on site.

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.
Operational Services (Parks)	No objections.
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 variances meet the four tests the Planning Act for granting of minor variances. Please refer to Appendix 'A' for recommended conditions of approval for the requested variance.

Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan

Appendix 'C' – Elevations

Appendix 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2024-31 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.