



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

Town of Aurora  
**Committee of Adjustment Report**  
No. C-2024-06

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**Subject:** **Consent Application**  
Trustees of Christ Evangelical Luther Church  
7 Lacey Court  
PCL 12-1 SEC 65M-2583; Block 12, Plan 65M-2583  
File: C-2024-06  
Related Planning Application(s): OPA-2024-01, ZBA-2024-01, SP-2024-01

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

**Department:** Planning and Development Services

**Date:** January 9, 2025

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## Application

The proposed consent application is to sever the subject lands as follows (see Appendix 'B'):

- a) **Proposed Retained Lands:**  
Part 1 and 2 of the Draft Plan of Severance (northern half)
  
- b) **Proposed Severed Lands:**  
Part 3 and 4 of the Draft Plan of Severance (southern half)

Parts 1 and 2 will feature a lot area of 3,838 m<sup>2</sup> (0.94 acres) and a lot frontage of 26.5 m (86.9 ft) along Lacey Court. Parts 3 and 4 will feature a lot area of 7,172 m<sup>2</sup> (1.77 acres) with 98.5 m (323 ft) of frontage along Wellington Street West.

## Background

### Subject Property and Area Context

The subject site is located at the northeast corner of Wellington Street West and McLeod Drive, west of Yonge Street and east of Bathurst Street. The site has a total area of 1.06 hectares (2.71 acres) with a frontage of approximately 26.5 metres along

Lacey Court and 98.5 metres along Wellington Street West. The site is currently home to the Christ Evangelical Luther Church, with access currently provided via a driveway off Lacey Court.

### **Related Planning Applications (OPA-2024-01, ZBA-2024-01, SP-2024-01)**

The applicant submitted an Official Plan Amendment, Zoning By-law Amendment, and Site Plan application to the Town on March 7, 2024. The Official Plan and Zoning By-law Amendment applications were presented to Council during the statutory Public Planning meeting on May 14, 2024. Following the statutory Public Planning meeting, the applicant provided a second submission to Town Planning Staff, addressing comments from the initial submission. The applicant is in the later stages of the planning process in which majority of the internal/external comments have been addressed and the need for a Consent application is required.

Furthermore, a recommendation report will be presented to Council in the first quarter of 2025, seeking approval for the Official Plan and Zoning By-law Amendment applications. As per Bill 109, the approval of the subject Site Plan application is delegated to Staff, however, a future common elements Plan of Condominium and Part Lot Control application will also be required and directed to Council for consideration.

### **200 Wellington Street West (OPA-2021-06; ZBA-2021-08; SP-2022-06)**

As shown in Appendix C, the property municipally known as 200 Wellington Street West abuts the subject application on 7 Lacey Court. In March 2023, the Ontario Land Tribunal approved the Official Plan (OPA-2021-06) and Zoning By-law Amendments (ZBA-2021-08) subject to a site plan agreement. The Site Plan Application has been reviewed by the Town and External Agencies. Planning Staff and the Appellant will be reporting back to the OLT in Q1 of 2025 to receive the Final Order.

The approved development on 200 Wellington Street West is considered as Phase 1 in the overall development of the abutting properties on 7 Lacey Court. The approved development will construct a total of 27 townhouse units in five blocks, with access via a private driveway and private road accessible via Wellington Street West.

The subject Consent application on the southern portion of 7 Lacey Court is considered as Phase 2. There is a direct connection between 7 Lacey Court and 200 Wellington Street West.

### **Proposal**

The applicant is proposing to sever off the southern portion of the subject land to facilitate the construction of 29 townhouse units on a common-elements condominium

road. The northern portion of the land containing the Christ Evangelical Lutheran Church is to remain as part of this application. The Church would effectively remain as its own parcel and the proposed residential townhouse development will occupy the southern portion of the site.

The severance plan is provided in Appendix 'B'. Parts 1 and 2 represent the Retained Lands to the north, while Parts 3 and 4 are the Severed Lands to the south. Parts 2 and 4 are identified as servicing easements for sanitary and stormwater, which are registered on title and owned by the Town of Aurora. Regardless of the proposed consent application, the servicing easement will continue to be in favor of the Town, irrespective of who owns the retained or severed lands.

The details of the proposed consent are as follows:

	Parts	Lot Depth	Lot Area	Lot Frontage
<b>Retained Parcel</b> (Christ Evangelical Luther Church)	1 & 2	36 m (118 ft)	3,838 m <sup>2</sup> (0.94 acres)	26.5 m (86.9 ft)
<b>Severed Parcel</b> (Vacant Southern Portion)	3 & 4	79 m (259 m)	7,172 m <sup>2</sup> (1.77 acres)	98.5 m (323 ft)

### Bill 23 – the More Homes Built Faster Act

Bill 23 amended the Planning Act to with the goal of increasing housing supply and addressing housing affordability. The legislation aims to make it easier and faster to build more homes, particularly in areas where housing demand is high. The intent of the legislation is to assist the province in meeting planned minimum housing and density targets. Infill development and additional residential units are specifically seen as assisting with creating housing opportunities through the gentle intensification of traditionally lower density residential areas.

The construction of twenty-nine (29) townhouse units directly contributes to increasing the supply of housing, aligning with the goal of adding more homes to the market, especially in high-demand areas. Townhouses can offer an alternative to single-family homes, making housing more accessible for families and first-time homebuyers.

## Official Plan

The subject property is designated “Existing Major Institutional” within the Town of Aurora Official Plan. The property also falls within the area covered by Official Plan Amendment 48 (OPA 48) which also designates the property as “Institutional.”

## Zoning

As shown on Figure 3, the subject property is currently zoned “Institutional (I),” within the Town’s Zoning By-law 6000-17, as amended. The Institutional zone permits for a wide variety of uses such as Day Care Centres, Places of Worship, Recreation Centres, Schools, and Long-Term Care Facilities.

## Preliminary Zoning Review

A Preliminary Zoning Review (PZR) was undertaken by the Building Services Division prior to submission of the subject application. The PZR confirmed that the proposed application will not result in any non-compliance with the Zoning By-law for the proposed severed or retained parcels.

## Planning Comments

When considering an application for consent to sever lands, regard shall be had to the criteria of Section 51 (24) of the *Planning Act*. This includes, amongst other things:

- Matters of Provincial Interest
- Conformity with the Official Plan and adjacent plans of subdivision
- Suitability of the land for the purpose in which it is to be subdivided
- The dimension and shape of the proposed lots
- Adequacy of utilities and municipal services
- Number and adequacy of highways

## Matters of Provincial Interest

Staff are satisfied that the proposed consent application is consistent with the Provincial Policy Statement and conforms with applicable provincial plans, as the consent is to facilitate the construction of 29 townhouse units on a common-elements condominium road. The consent application implements the amendments made through Bill 23 and creates more attainable housing through residential intensification. The infill townhouse development on the southern portion of the subject lands implements good planning in building on an underutilized plot of land. Townhouses are often seen as more attainable

than detached homes, which helps in providing more housing options for the surrounding area.

The increase in residential units on the subject lands can also be supported given the nearby major transit station area (MTSA) which provides commuting options to residents. Staff believe that the consent application demonstrates good planning and strives to provide alternative solutions to assist in the creation of new, attainable housing opportunities.

### **Conformity with the Official Plan and Adjacent Plans of Subdivision**

The proposed consent application will add new, attainable housing that assists the Town with implementing provincial and regional growth targets while also diversifying the local housing stock. The proposal will add the infill development of townhouse units on an underutilized lot fronting onto a regional road being Wellington Street West. The proposed consent application supports complete community development by providing housing opportunities in close proximity to commercial and social service amenities, parks, and public transportation.

The proposed consent application does not conflict with the existing lot fabric of the adjacent area. It is the opinion of Staff that the use of land is more efficient, particularly within urban areas where the demand for housing is highest. Townhouses are typically more land-efficient than single-detached homes, as they require less space per unit. A development of twenty-nine (29) townhouse units could provide a higher density of housing without needing a large footprint. This supports provincial goals for more efficient use of land in areas where land scarcity is a concern.

### **Suitability of the land and adequacy of utilities, services, highways and access**

The proposed new residential development is approximately 1.8 kilometres west of Yonge Street and Wellington Street East, which provides for a variety of local amenities within walking distance or a short public transit commute. In addition, the Aurora GO station is located approximately 2.6 kilometres east of the subject property, allowing the future residents to be within proximity of a major transit station area. Staff believe that the proposed consent application provides adequate local services and access to transit for the residential intensification.

The proposed retained lot (northern portion) will maintain vehicular access off Lacey Court; however, the proposed severed lot (southern portion) is considered to be land

locked, with its current access point being restricted to emergency vehicles only. As mentioned earlier in this report, the proposed development on the subject lands is considered as 'Phase 2' and is to be interconnected via a private condo road with the adjacent property to the east at 200 Wellington Street West (Appendix C). A condition of approval has been implemented that the Owner obtain Site Plan Approval as it pertains to the adjacent development at 200 Wellington Street West, to ensure that appropriate vehicular access is available to access the proposed severed lot.

As part of the other related planning applications, the Town's Engineering Staff and Region of York have also reviewed the proposed vehicular access off 200 Wellington Street West and have no objections. Furthermore, the Town has confirmed that municipal services are available to accommodate the proposed residential development.

### **Dimension and shape of the proposed lot**

Staff are of the opinion that the proposed consent application is generally compatible with the surrounding area regarding the dimension and shape of both the proposed severed and retained lot and will not result in any negative impacts on adjacent properties or the character of the surrounding area. Appropriate access to both parcels will be maintained and enforced through the implemented condition of approval and associated Site Plan applications. The existing depth of the property ensures suitability of the site for maneuverability and to ensure that both parcels can function independently. The proposed retained and severed lots comply with the Zoning By-law with no associated minor variances required.

Planning staff are of the opinion that the dimension and shape of the proposed lots is appropriate, and in fact desirable as part of the efficient use of land.

### **Additional Comments**

The consent application was circulated to Town Departments/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 objection.
Engineering Division	No objection.

Department or Agency	Comments
Operational Services (Parks)	No objection.
Operations (Public Works)	No objection.
Central York Fire Services	No objection.
York Region	No objection.
LSRCA	No objection.
Alectra	No objection.

## Public Correspondence

Written submissions were not received at the time of writing of this report. Should written submissions be received after writing this report, the Secretary-Treasurer will provide the submission(s) to Committee members at the meeting.

## Conclusion

Staff have reviewed the application with respect to Section 51(24) of the Planning Act, R.S.O., 1990, c.P.13, as amended, the Provincial Policy Statement, Provincial Plans and the Town's Official Plan and are satisfied with the proposed consent application.

Based on the aforementioned, Staff have no objection to approving the Consent application File. C-2024-06, subject to the conditions attached (Appendix 'A').

## Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Draft R-Plan

Appendix 'C' – Proposed Severance Plan

## Appendix 'A' – Conditions of Approval

### Planning and Development Services:

1. That the consent only applies to the subject property in conformity with the plans attached as Appendix 'B' to this report, to the satisfaction of the Director of Planning and Development Services.
2. That the Owner obtain approval from Town of Aurora Council pertaining to the Official Plan Amendment (OPA-2021-06) and Zoning By-law Amendment (ZBA-2021-08) applications on the subject lands.
3. That the Owner obtain Site Plan Approval as it relates to Site Plan application (SP-2022-06) at 200 Wellington Street West.
4. That the Owner provide written confirmation of no outstanding payment of property taxes owing to date for the subject property, to the satisfaction of the Secretary-Treasurer.
5. Submission to the Secretary-Treasurer of four (4) white prints of a deposited Reference Plan for review showing the subject lands, which conforms substantially to the application form and sketch as submitted with this application (Appendix 'B'). One copy of the deposited reference plan must be submitted to the Town prior to the issuance of the Certificate of Official. Please note, if the transaction in respect of which the consent was given is not carried out within the two-year period following issuance of the Certificate of Official, the consent effectively will lapse [Planning Act, R.S.O. 1990, c.P.13, as amended, s. 53 (43)]
6. Submission to the Secretary-Treasurer of the required draft transfers to effect the severance applied for under Files C-2024-06 in duplicate, conveying the subject lands, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act. Subsection 50 (3 or 5) of the Planning Act, R.S.O 1990, as amended, applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
7. That the Owner pay the Legal Services Fees (\$238.00) regarding the Town's cost to obtain a Parcel Abstract/PIN as per section 10 of Application, and written confirmation be provided to the satisfaction of the Secretary-Treasurer. The cheque is payable to "The Corporation of the Town of Aurora" quoting file number



C-2024-06 and delivered to the attention of Legal Services, 100 John West Way, Box 1000, Aurora, ON L4G 6J1.

8. That the Owner enter into a Letter of Undertaking to acknowledge the understanding that the Owner will be required to pay cash-in-lieu of Parkland, development charges, municipal service connection fees and any other fees as required and applicable per the Town's Fees and Charges By-law to the satisfaction of the Director of Planning and Development Services.
9. Fulfilment of all of the above conditions shall occur within two (2) years of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act. R.S.O. 1990, c.P.13, or the consent will lapse.