



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

Town of Aurora
Committee of Adjustment Report
No. MV-2025-01

Subject: Minor Variance Application
Pesegi
12 Kemano Road
PLAN 475 LOT 155
File: MV-2025-01

Prepared by: Katherine Gatzos, Planner

Department: Planning and Development Services

Date: March 13, 2025

Application

The owner/applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to recognize a recently constructed open porch and stairs. The following relief is being requested:

- a) Section 4.20 of the Zoning By-law states open porches require a minimum front yard of 4.5 metres.
 - a. The applicant has constructed a front porch, which is 3.3 metres from the front property line.

- b) Section 4.20 of the Zoning By-law states steps require a minimum front yard of 4.5 metres.
 - a. The applicant has constructed porch steps, which are 1.8 metres from the front property line.

Background

Subject Property and Area Context

The subject property, municipally known as 12 Kemano Road, is located on the north side of Kemano Road, west of Yonge Street. The property is rectangular in shape, with an approximate area of 582 sqm (6264.60 sqft), and a frontage of 33.53 m (110 ft) along

Kemano Road. The surrounding neighbourhood is characterized by one and two storey dwellings.

Proposal

The applicant has requested a reduced front yard setback in order to accommodate a recently constructed porch and associated stairs.

The Owner demolished and reconstructed a new porch and stairs without a building permit. Subsequently, the Town of Aurora received a complaint on the proposed structure. In response to this, the Owner submitted a Minor Variance application in January 2025 in order to bring the structure into compliance.

Official Plan

The subject property is designated "Stable Neighbourhoods" by the Town of Aurora Official Plan, which permits Ground-related Residential Uses and accessory structures.

Zoning

The subject property is zoned "Detached Third Density Residential Exception R3-SN (497) Zone" in the Town of Aurora's Comprehensive Zoning By-law. Residential uses and associated accessory uses are permitted under this zoning.

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 front porch was removed (unstable) current front setback only 5.2m. It is not possible to put a new porch for the front door that meets the 4.5m setback".

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2025-01 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 Official Plan “Stable Neighbourhoods” designation is to ensure that residential neighbourhoods are protected from incompatible forms of development, while allowing the neighbourhoods to be enhanced and evolve over time.

Planning staff are of the opinion that the subject variances will result in minimal impact and no disruption to the existing streetscape and the surrounding context of the neighbourhood. The location and orientation of the subject front porch and steps are similar to designs that presently exist in the surrounding area, thus resulting in a consistent and uniform streetscape. Staff are of the opinion that adequate spatial separation continues to exist between the dwelling and the front property line, therefore ensuring no negative impacts to the streetscape arise and access through the front yard area is maintained. The proposed porch and steps are not considered to be visually obtrusive from an urban design standpoint and will contribute to enhancing and animating the existing streetscape.

Based on the above, staff are of the opinion that the requested variances are in keeping with the general intent of the Official Plan.

b) The proposed variances meet 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 and structures. The intent of the minimum front yard setback provision is to ensure there is consistency between dwellings from a streetscape perspective and a relatively uniform presence from the street edge.

Staff are of the opinion that despite the reduction in front yard setback, there is still adequate spatial separation and uniformity along Kemano Road, as a multitude of properties, including the two adjacent, contain similar front porch and step designs, thus resulting in a consistent and uniform streetscape.

Staff are of the opinion that the subject porch and steps are modest in overall mass, and as they meet all other provisions of the Zoning By-law, it will result in minimal visual impact and obstruction. The porch and steps are intended to provide access to the elevated entrance to the dwelling. Further, Engineering Staff and external agencies have also reviewed and have no objections with the structure in regard to drainage or impacts to existing utilities.

Staff are satisfied that the proposed front yard setback variances will not result in streetscape compatibility concerns and therefore maintain the intent and purpose of the Zoning By-law.

c) The proposed variances are considered desirable for the appropriate development of the land

The minor variances have been considered in the context of the site itself and the adjacent neighbourhood. Staff are of the opinion that the proposed porch and stairs have been designed in a manner that respects the character of the existing properties along Kemano Road, many of which have incorporated similar porch and step designs to their front facades in order to provide access to elevated front doors.

The proposal allows for the appropriate development of the site to accommodate specific housing needs by providing access to the elevated dwelling entrance and is done so in a manner that in the opinion of staff respects the existing neighbourhood character. The streetscape is unaltered as the subject porch and stairs are in keeping with surrounding residential neighbourhood, in relation to building scale, massing, orientation and materiality. The applicant has installed basement egress windows along the front façade which limits the ability to construct the porch stairs along the sides of the porch, further from the front yard setback. Despite this constraint, Staff are of the opinion that the scale, massing, orientation and materiality of the porch and stairs have been designed and constructed in a matter that is in keeping with the surrounding residential neighbourhood. Further, it is the opinion of staff that the proposal maintains sufficient room for access, drainage and maneuverability within the front yard.

In July 2024, the Town of Aurora's Parks Department issued a Tree Removal Permit for 4 trees within the front yard. Through this approved permit, the applicant has since removed the subject trees and additional shrubbery to accommodate the front porch and steps, and other property maintenance endeavours. The Town's Parks Department has further reviewed this Minor Variance application and has identified no concerns or further requirements, as all matters have been addressed previously through the approved Tree Removal Permit.

The proposed development resulted in the removal of multiple trees and shrubbery within the front yard. However, appropriate conditions of approval (Appendix 'A') have been developed to ensure that any tree removals have been addressed to ensure adherence to the Town's Tree Compensation Policies for tree removals. This includes the requirement that the Owner 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 the construction. Compensation planting shall be completed prior to the release of financial securities.

As such, the requested variances are considered desirable for the appropriate development of the land, subject to clearance or the Conditions of Approval as indicated in Appendix 'A'.

d) The proposed variances are considered minor in nature

The question of the minor in nature of a proposed variance can be related to its scale and impact on adjacent properties, not necessarily its numerical value. In the opinion of Staff, the requested variances are 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 neighbourhood as a whole.

The reduced front yard setback for both the porch and steps is considered to be minor by staff and are not anticipated to negatively impact the front yard amenity space, nor access through the front yard. Given the location and footprint of the porch and steps, staff would consider the encroachment to be minimal and will have no impact on surrounding properties or neighbourhood character. Further, appropriate Conditions of Approval have been developed in order to ensure that tree removals are appropriately addressed.

Based on the above, staff consider the requested variances to be 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 completed. No objections.
Engineering Division	No objections.
Operational Services (Parks)	No objections.
Operational Services (Public Works)	No objections.
Central York Fire Services	No objections.

Department or Agency	Comments
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 '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.
2. 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.