



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

Town of Aurora
Committee of Adjustment Report
No. MV-2025-03

Subject: Minor Variance Application
Zheng
43 Valley Crescent
PLAN 65M 2189 LOT 165
File: MV-2025-03

Prepared by: Kenny Ng, 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 permit an existing enclosed basement walk-up addition to the existing two-storey detached dwelling. The following relief is being requested:

- a) Section 7.2 of the Zoning By-law requires a minimum exterior side yard of 6.0 metres. The existing enclosed basement walk-up addition is 4.6 metres to the exterior side property line, thereby requiring a variance of 1.4 metres.

Background

Subject Property and Area Context

The subject lands are municipally known as 43 Valley Crescent, located in the northwest corner of Valley Crescent and Crawford Rose Drive Wellington Street West, south of Orchard Heights Boulevard. The subject lands currently accommodate an existing two-storey detached dwelling and have an approximate lot area of 615.5 square metres (6,625 square feet), and an approximate lot frontage of 20.4 m (67 ft). The existing two-storey detached dwelling has a Gross Floor Area of 160 m² (1721.5 ft²) with driveway access on Valley Crescent. There are several mature trees in the front and exterior side yard, as well as a wooden fence along the side and rear yards.

Proposal

The applicant is requesting the committee to permit an existing enclosed basement walk-up addition on the east side of the existing two-storey detached dwelling. The enclosed basement walk-up was constructed without a building permit prior to the current owner taking ownership of the property in 2024.

There is a second enclosed basement walk-up on the west side (interior side yard) of the building, which was constructed without a building permit and does not comply with the Town's Zoning By-law. To address this, the applicant proposes to remove the enclosure while retaining the underground staircase to the basement unit to ensure compliance with the Town's Zoning By-law.

As detailed by the Applicant, currently there are no tenants living in the basement.

Official Plan

The subject property is designated 'Stable Neighbourhoods' by the Town of Aurora Official Plan. Single detached dwellings are permitted in the Stable Neighbourhoods designation.

Zoning

The subject property is zoned "R3 (Detached Third Density Residential Zone)" by Zoning By-law 6000-17, as amended, which permits a single detached dwelling.

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

As stated on the application form, "The stair was constructed by a previous owner of the property and would be difficult to remove."

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2025-03 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 and, at the same time, are permitted to evolve and be enhanced over time. Within this designation, emphasis is placed on compatibility of built form with respect to massing, scale, and design to ensure a cohesive relationship with adjacent buildings, streetscapes, and exterior areas.

The variance to permit a reduced exterior side yard setback to accommodate the enclosed basement walk up will not change the existing massing, height or other design characteristics of the property. The enclosed basement walk up will not be visible from the street, while the enclosed addition is only 2.13 metre (7 feet) in height which is screened mostly by vegetation and the wooden privacy fence. As such, the proposed variance will not result in an incompatible streetscape.

It is the opinion of staff that the requested variance meets the general intent and purpose of the Official Plan.

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

As shown in the submitted plan attached as Appendix 'B' to this report, the applicant is proposing to reduce the required 6.0 metres exterior side yard setback to 4.6 metres. The intent of a minimum exterior side yard setback is to maintain a consistent streetscape by regulating the appearance of a neighborhood from the street level, and to ensure that adequate space remains to provide for privacy and access.

Since the majority of the enclosed addition will not be visible from the street level, due to the existing wooden fence along the exterior side yard and mature trees in the front yard, the neighboring properties will not be affected.

Additionally, access between the front and rear yards will not be restricted, as the larger exterior side yard provides ample space to accommodate any access requirements.

Based on the above, staff are of the opinion that the requested variance meets the general intent and purpose of the zoning by-law.

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

The requested variance to permit a reduced exterior side yard setback is desirable as it is located in a logical location for a basement walk-up. The enclosed walk up is also screened by the wooden fence on the exterior side yard which helps to prevent it from impeding the existing streetscape. Town Engineering Division has reviewed the

requested variance and have no objection to the application as they are satisfied that drainage along the side yard will be maintained. The overall accessibility of the property can also be enhanced by the basement walk up, as the user can access the basement through alternative routes.

Based on the above, staff consider the requested variance to be desirable for the appropriate development and use of the lands.

d) The proposed variance is considered minor in nature

The requested variance to reduce the exterior side yard setback is considered minor as the enclosed walk-up is not anticipated to affect the overall compatibility and appearance of the existing dwelling. Currently there are no tenants living in the basement, in the event the applicant converts the basement into a residential unit, a building permit and registration for additional dwelling unit is required.

Accordingly, it is staff’s opinion that the variance is considered 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 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2025-03 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; and
2. That the Owner demolish the existing roof and glass enclosure on the west side of the property pertaining to the existing basement walk up to the satisfaction of the Director of Planning and Development Services or designate.