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Town of Aurora
Committee of Adjustment Report
No. MV-2025-07

Subject: Minor Variance Application
Ramos
196 Crane Street
PLAN 65M4433 LOT 14
File: MV-2025-07

Prepared by: Katherine Gatzos

Department: Planning and Development Services

Date: April 10, 2025

Application

The owner is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to permit outdoor swimming lessons as a Home Occupation on the subject property. The following relief is being requested:

- a) Section 3 of the Zoning By-law does not permit outdoor swimming lessons as a Home Occupation. The applicant is proposing outdoor swimming lessons.; and,
- b) Section 4.6.1 of the Zoning By-Law states a home occupation shall be conducted entirely within the dwelling or permitted accessory buildings. The applicant is proposing outdoor swimming lessons.

Background

Subject Property and Area Context

The subject property, municipally known as 196 Crane Street, is located on the south side of Crane Street, southwest of the Leslie Street and St. John's Sideroad intersection. The subject property has a lot area of approximately 592.26 sqm (6375 sqft), and a frontage of 13.1 m (43 ft) along Crane Street.

The subject property contains a two-storey single detached house, 392 sqft pool, and 168 sqft backyard pavilion. The Town of Aurora Building Department reviewed the existing pool and issued a pool permit in 2018.

Surrounding Land Uses

North: Residential uses

East: Residential uses

South: David Tomlinson Nature Reserve

West: Residential uses, David Tomlinson Nature Reserve

Proposal

The owner is requesting variances to permit outdoor swimming lessons as a home occupation on the subject property. The swimming lessons will be conducted by the homeowner's daughters. The owner has further advised that they expect this use to operate in the summer months, of June to September. These lessons are conducted in a private/semi-private manner, containing 1-2 students per class only during the hours of 9:00 am to 6:00 pm.

There are no changes to the existing detached dwelling, or subject property proposed as part of this variance application.

Official Plan

The subject property is designated "Low-Medium Urban Residential" by the Town of Aurora Official Plan which permits detached dwellings and compatible home occupations.

Zoning

The Subject property is zoned "R3 (407) – Detached Third Density Residential Exception Zone" under Zoning By-law 6000-17, as amended. This zoning permits single detached dwelling units and home occupations.

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:

"Applicant is requesting to operate an outdoor swim school in the backyard existing pool. The pool is outside, and the business will be operated outside in the backyard pool, backyard pavilion and inside basement for admin. Work or if swimmers need to use the washroom. Swim school would be operated from Monday to Friday, 9am to 6 pm from June to September. One to two students at a time maximum. Taught by certified instructor – daughter."

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2025-07 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 subject property is designated "Low-Medium Urban Residential" by the Town of Aurora Official Plan which permits detached dwellings and compatible home occupations. Section 7.4.8 of the Official Plan outlines provisions for "Home Occupations" within single and semi-detached residences.

Notwithstanding policy 7.4.8(a)(i) requiring home occupations to be carried out entirely within the dwelling unit, the Town of Aurora Council approved Official Plan Amendment 19 on June 23, 2020, to specifically allow outdoor swim schools and related minor outdoor storage as a home occupation where appropriate and subject to the other policies in 7.4.8 of the Official Plan. The proposed swim school is therefore permitted by the Official Plan. Staff are of the opinion that the proposed variances meet the general intent of the Official Plan.

b) The proposed variances meet the general intent of the Zoning By-law

The Subject property is zoned "R3 (407) – Detached Third Density Residential Exception Zone" under Zoning By-law 6000-17, as amended. This zoning permits single detached dwelling units and home occupations. Although the Official Plan was amended to allow outdoor swim schools as a home occupation, it was intended that site-specific proposals

are to be weighted on their individual merits through a minor variance application to the Committee of Adjustment.

The intent of the home occupation provision to limit the occupation within the dwelling unit, and to ensure that it does not detract from the residential character of a property, the existing surrounding context, or negatively impact adjacent properties.

The current home occupation definition provides general examples of home occupation uses, including instructional activities such as dance or music lessons. The proposed use of swimming lessons would operate in a similar manner, which are recognized activities within the Zoning By-law definition of *Home Occupation*.

Staff have also reviewed the subject property in context with the surrounding neighbourhood. The existing pool is setback 2.18 m and 6.73 m from the west and east property lines, respectively. With the addition of a 5-foot-tall wooden fence along the west and east property lines, and David Tomlinson Nature Reserve to the south, staff are of the opinion that there are adequate measures in place to negate any potential privacy concerns.

The Town of Aurora Buildings Department have also reviewed the existing pool and issued a pool permit in 2018. The existing pool is 392 square feet, and rectangular in shape, which is a regular sized backyard residential pool.

Given that the swimming lessons are being conducted in a private/semi-private manner, it is not anticipated that there would be more than three people in the pool at once (two students and one teacher). The subject property also contains a washroom within the basement which is accessible at grade from the backyard. Furthermore, staff are of the opinion that there will be no additional noise creating with this proposed home occupation. The use of the pool is similar in nature to a regular family of three – five, utilizing the pool for their leisure purposes.

The subject property also contains an existing driveway that can accommodate four vehicles. Given the small-scale home occupation, there will not be any need to park on the street, with parking accommodated on site. Staff are of the opinion that there will be no parking or traffic impacts generated by the home occupation. The approval of this minor variance application will not detract from the residential character of the surrounding neighbourhood but will implement Council's decision to allow these uses under Official Plan amendment 19. Staff are therefore of the opinion that the variances meet the general intent of the zoning by-law.

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

Staff are of the opinion that the proposed use of swimming lessons in the existing pool will not function any differently than any other leisure type of use of the pool and therefore consider the proposal to be appropriate and desirable for the property. The existing pool is approximately 392 square feet, and rectangular in shape, which is a regular sized backyard residential pool.

The subject pool is surrounded by a 5-foot-high wood and chain-link fence, containing a self latching and locking gate for increased safety. Additionally, to mitigate potential concerns with respect to noise, parking or student drop off and pick-up, the applicant has advised that that swim lessons will be provided to no more than two students at a given time and operate between the hours of 9:00 am to 6:00 pm.

Furthermore, the existing zoning by-law definition of home occupation regulates instructional activities to no more than three students at time, in which the application intends to meet. Additionally, the swimming lessons will be conducted in a private/semi-private manner, containing 1-2 students per class. Furthermore, to ensure safety measures are in place, the Town's By-law Services Department is requiring the applicant arrange an inspection with the Town to confirm that the pool enclosure meets municipal standards.

The proposed variance also demonstrates the vision and fundamental principles outlined in the Town's Official Plan. Staff are of the opinion that the proposal represents appropriate development of the land through the "Advancing the Economy" Official Plan principle, which speaks to encouraging a competitive business environment and ultimately advance and sustain Aurora's long-term economic prosperity. The proposed minor variance application allows for the creation of small business owners and the ability to live, work and play within the Town of Aurora. As such, staff are of the opinion that the variance is considered desirable for the appropriate development of the land.

d) The proposed variances are 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, or neighbouring properties. Furthermore, the applicant is not proposing any site or building alterations to accommodate for the proposed use. The subject property will remain in it's existing context to accommodate for the home occupation. The proposed use of the subject property will not detract from the site and surrounding area's residential character. Overall, it is the opinion of staff that the proposed variances are 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 completed. No objection.
Engineering Division	No objection.
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 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

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. That the Applicant arrange an inspection with the Town's By-law Services to ensure the pool enclosure complies with municipal requirements, to the satisfaction of the By-law Services Department.