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Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2025-08

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**Subject:** **Minor Variance Application**  
Mohammad Reza Heyrani Nobari & Fariba Mottaghizadeh  
56 Nisbet Drive  
Plan M50 Lot 5  
File: MV-2025-08

**Prepared by:** **Felix Chau, Planner**

**Department:** Planning and Development Services

**Date:** May 8, 2025

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## 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 widened driveway. The following relief is being requested:

- a) Section 5.6 (ii) of the Zoning By-law allows a maximum driveway width of 6.0 metres if the lot frontage is greater than or equal to 9.0 metres and less than 18.0 metres. The applicant is proposing a maximum driveway width of 6.8 metres.

## Background

### Subject Property and Area Context

The subject property is located on the west side of Nisbet Drive, north of Murray Drive and west of Yonge Street. The subject property has an area of approximately 526.9 square metres (5671 square feet) with a lot frontage of approximately 15.5 metres (51 feet). The subject property contains a detached dwelling.

### Proposal

The applicant is requesting to increase the maximum driveway width on a lot with approximately 15.5 metres of frontage from 6.0 metres to 6.8 metres. The driveway

expansion already exists (completed in May of 2024), and no further paving/interlocking will occur should Committee approve this application.

### **Official Plan**

The subject property is designated “Stable Neighbourhood” 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 R3-SN (497) Exception Zone” within Zoning By-law 6000-17, as amended. This zone permits a detached dwelling and associated accessory uses.

### **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**

The applicant has provided the following reasoning:

“It is not possible to comply with the provisions of the by-law because the current allowable driveway width does not adequately meet the practical needs of our household. The additional one meter of width is necessary to safely and efficiently accommodate vehicle access and maneuvering, especially given the layout of our lot and the number of vehicles regularly using the driveway.

This minor variance will not negatively impact the streetscape or surrounding properties and maintains the overall intent of the zoning by-law, which is to ensure safe and orderly use of land. The proposed increase is modest and will improve functionality without altering the character of the neighborhood”.

### **Planning Comments**

Planning Staff have evaluated Minor Variance Application MV-2025-08 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 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 variance will result in minimal impact to the existing streetscape and the surrounding context of the neighbourhood. The original driveway had a width of 4.8 metres, which was widened along both sides by 1.0 metre respectively. This resulted in a total driveway width of 6.8 metres, exceeding the maximum allowable driveway width by 0.8 of a metre.

Given the single detached nature of the surrounding area containing front yards featuring wide lawns and sparse mature vegetation, the visual impact of the widened driveway towards the streetscape is minimal. Furthermore, the widened sections of the driveway are interlocked whereas original driveway area is paved, representing a driveway design that is consistent with multiple surrounding lots, including the immediate neighbour to the north. The owner has cut the curb to line up with the widened driveway area, which is subject for review by the Town’s Public Works Division. In Planning Staff’s opinion, given the wider nature of the lots, the curb cuts do not disrupt any Town infrastructure or the availability of on-street parking and snow storage.

Based on the above, Staff are of the opinion that the requested variance is in keeping with the general intent of the Official Plan.

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

The subject property is zoned “Detached Third Density Residential R3-SN (497) Exception Zone”. The site-specific zoning ensures all new developments are appropriately sized and buildings and structures are orientated properly. The intent of the maximum driveway width provision is to preserve the streetscape character, ensure proper drainage, and encourage the use of green spaces.

The lots on Nisbet Drive are characterized as featuring detached dwellings with an attached single car garage and soft landscaping next to the existing driveways anchored with sparse but mature boulevard trees. The subject property expanded the area adjacent to the driveway with interlock and is designed in a manner that is similar to other driveways along the street. With respect to maintaining appropriate grading and drainage for stormwater management purposes, the Town’s Engineering Staff have reviewed the request variance and have no concerns from a grading and drainage perspective.

Staff are satisfied that the requested variance meets the general intent of the Zoning By-law.

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

Given that the average household size that requires a parking space continues to grow, it is Planning Staff's opinion that the proposed variance represents a reasonable number of parking spaces required. While the driveway expansion does not facilitate a full additional parking space, it has been expanded to accommodate convenient manoeuvring of private vehicles and pedestrian access on the driveway.

Prioritizing parking on the driveway reduces the reliance of on-street parking which contributes to minimizing street congestion. Additionally, it helps reduce potential disruptions to street maintenance (ie. snow clearing).

Staff are of the opinion that the proposal allows for the appropriate development of the site to accommodate an additional parking space in a manner that respects the character of the existing properties along Nisbet Drive.

**d) The proposed variance is 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. In the opinion of Staff, the requested variance is 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 driveway expansion is considered to be minor by staff and is not anticipated to negatively impact the front yard amenity space, nor pedestrian or emergency vehicle access through the front yard. Given the nominal nature of the driveway expansion and the existing screening boulevard tree, staff would consider the variance to be minimal and will have no impact on surrounding properties or the neighbourhood character.

## **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:

<b>Department or Agency</b>	<b>Comments</b>
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.
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' – Conditions of Approval

Appendix 'B' – Site Plan

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.

Operational Services – Public Works

2. That the Owner obtain a Curb Cut Permit through Public Works.