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Town of Aurora
Committee of Adjustment Report
No. MV-2025-09

Subject: **Minor Variance Application**
Payne
61 Metcalfe Street
PLAN 68 PT LOTS 10 & 11
File: MV-2025-09

Prepared by: **Kenny Ng, Planner**

Department: Planning and Development Services

Date: May 8, 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 constructed front porch and steps. 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. The applicant constructed a front porch, which is 1.3 metres to the front property line, thereby requiring a variance of 3.2 metres.
- b) Section 4.20 of the Zoning By-law states steps require a minimum front yard of 4.5 metres. The applicant constructed a porch steps, which are 0.7 metre to the front property line, thereby requiring a variance of 3.8 metres.

Background

Subject Property and Area Context

The subject lands are municipally known as 61 Metcalfe Street, located on the north side of Metcalf Street, east of Wells Street. The subject lands currently accommodate a two-storey detached dwelling and have an approximate lot area of 589.51 square metres (6,344.43 square feet), and an approximate lot frontage of 18.52 square metres (60.76 square feet). The existing two-storey detached dwelling has a Gross Floor Area of 178.17 square metres (1,917.8 square feet) with driveway access on Metcalfe Street. There is a

concrete walkway which leads from the front porch to municipal sidewalk, with wooden fence along the side yards.

The applicant initially submitted for a building permit for an addition to the main dwelling, however, the submitted plans did not show the replacement of the porch and steps which have different configurations than the existing. The demolished porch was approximately 7.67 square metres (82.56 square feet) in size, compared to approximately 14.78 square metres (159.1 square feet) for the new porch. The demolished porch was situated closer to the front property line than the replacement porch at approximately 1.14 metres (3.74 feet) compared to 1.38 metres (4.53 feet) for the new porch.

Proposal

The applicant has requested to reduce front yard setback requirements to accommodate for a constructed front porch and stairs. The applicant has demolished and reconstructed a new front porch and stairs without a building permit. Town inspector identified the zoning non-compliance and required the structures to comply with the Zoning by-law. To address the zoning non-compliance, the applicant submitted the subject Minor Variance application to permit the constructed structures.

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 original house that we added the addition to is only sitting 3.56 meters from the front property line. According to the town notes, the

setback for a new deck is 4.5 meters. We were not aware that we would need a permit to rebuild the front porch.”

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2025-09 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 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.

Staff note that there is approximately two metres of distance between the front lot line of the property to the municipal sidewalk, which provides further separation between the public realm and the proposed structures. Staff are of the opinion that adequate spatial separation continues to exist between the constructed structures and the public, ensuring no negative impacts to the streetscape and continued uninterrupted access in the front yard area. The front porch and steps are considered to be an appropriate extension of the dwelling and are not visually obtrusive from an urban design perspective.

Based on the above, staff are of the opinion that the requested variances meet the general intent and purpose of the Official Plan.

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

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 Metcalfe Street, as the adjacent property to the west also contains similarly sized porch and associated steps located within similar setback distance. This helps to create a relatively consistent and uniform streetscape.

The porch and steps are intended to provide access to the elevated entrance to the dwelling. Staff are of the opinion that the front porch and steps are modest in overall mass, and as they meet all other provisions of the Zoning By-law, result in minimal visual

impact or obstruction. Additionally, there is ample back yard space available to accommodate for any amenity requirements.

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

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

The requested variances to permit reduced front yard setback for the porch and steps are desirable, as the structures have been designed to respect the character of the existing dwelling. Although the constructed porch is slightly enlarged from 7.67 m² (82.56 ft²) to 14.78 m² (159.1 ft²) compared to the original existing porch, it has a further front yard setback distance than the original porch and will continue to provide necessary access to the elevated dwelling entrance.

Staff would consider the porch and stairs to have minimal impact to the existing streetscape, as the structures are generally in keeping with surrounding residential neighbourhood, in relation to scale, massing, orientation and build materials. Staff also consider the structures having no impact to the accessibility, drainage and maneuverability of the front yard space. Town Engineering Division has reviewed the requested variances and have no objection to the application.

Based on the above, staff are of the opinion that the requested variances to be desirable for the appropriate development and use of the lands.

d) The proposed variances are considered minor in nature

The requested variances to reduce the front yard setback is considered minor, as the front porch and steps are not anticipated to affect the overall compatibility and appearance of the existing dwelling, as well as the character of the neighbourhood as a whole. Adequate amount of front yard space remains available to provide for sufficient accessibility and functionality for the owner and pedestrians. Given the size and location of the porch and steps, staff would consider the reduced front yard setback requirement to be minimal and will have no impact on surrounding properties or neighbourhood character. Town Operations Department has reviewed the requested variances and have no objection to the application.

Based on the above, staff are of the opinion that the 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 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-2025-09 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.
2. That the Owner obtain a Road Occupancy Permit through Public Works.