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Town of Aurora

Committee of Adjustment Report

No. MV-2025-15-20 & 22-27

Subject: **Minor Variance Application**
Highfair Investments Inc. (Treasure Hill Homes)
All of Lots 20 – 31, Plan 65M-4836, Parts 1 – 24, Plan 65R-41410
Files: MV-2025-15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26 & 27
Related Planning Applications: ZBA-2021-06, SUB-2021-02 & PLC-2025-01

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Department: Planning and Development Services

Date: July 10, 2025

Application

The owner/applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate the development of detached dwellings. The following relief is being requested:

- a) Section 24.546.2.1 requires a minimum interior side yard of 1.2 metres on both interior side yards. The applicant is proposing an interior side yard setback of 1.2 metres on one side, and 0.65 metres on the other side.

Background

In March 2023, Aurora Council issued a Notice of Decision to approve a Plan of Subdivision for the development of 138 single detached lots ("Archerhill Subdivision"). In May 2023, Council enacted Zoning By-law 6501-23 which rezoned the subject lands to "Detached Third Density Residential R3 (546) Exception Zone" and "Detached Fourth Density Residential R4 (547) and (548) Exception Zone". The site is currently under construction, including site grading, installation of municipal services and other related works.

There are twelve (12) lots within the R3 (546) zone located at the north end of the development limits identified as Lots 20 to 31 on Registered Plan 65M-4836. A Part Lot Control Exemption application (PLC-2025-01) was approved by Council on June 24,

2025, to permit the approved lots to be further subdivided and consolidated to form an additional 2 lots (see Appendix B).

Subject Property and Area Context

The subject lands are located south of Wellington Street East and north of Vandorf Sideroad. The subject lands consist of lots which are located at the northern limits of the Archerhill Subdivision, backing onto EP zoned lands.

Proposal

Due to the reduced lot frontages created through the Part Lot Control Exemption application, the applicant is no longer able to accommodate the same model homes originally designed for the wider lots proposed at the Draft Plan of Subdivision stage. To address this, the applicant is requesting relief from the Zoning By-law's minimum interior side yard requirements of 1.2m on both sides to having just 1.2m on one side and 0.65m on the other. This variance is being requested for 12 newly created lots.

Official Plan

The subject properties are designated "Stable Neighbourhood" by the Town of Aurora Official Plan, which permits ground-related residential uses and accessory structures.

Zoning

The subject properties are zoned "Detached Third Density Residential R3 (546) Exception Zone" within Zoning By-law 6000-17, as amended. This zone permits detached dwellings.

Related Planning Applications

- ZBA-2021-06 & SUB-2021-02 – Zoning By-law Amendment and Plan of Subdivision applications to facilitate a 138-lot subdivision for detached dwellings were approved in 2023.
- PLC-2025-01- Part Lot Control Exemption application to subdivide and consolidate several lots to create two additional lots was approved by Council on June 24, 2025.

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 lot sizes were reduced and in order to accommodate similar house designs within the area, a minor reduction to the side yard setbacks is required.

Planning Comments

Planning Staff have evaluated Minor Variance Applications MV-2025-15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26 & 27 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. This designation permits ground-related residential uses

The Stable Neighbourhoods designation outlines design policies for all new development that shall respect and reinforce the existing physical character and uses of the surrounding area. The attention to the building type, heights and scale of nearby residential properties is essential for all new development. The proposed detached dwellings adequately meets the intent of these design policies and allows for a smooth transition with the Archerhill Subdivision.

The proposed reduction in side yard setbacks allows the developer to continue building homes that are architecturally consistent with the rest of the subdivision, maintain the established character and design continuity of the Archerhill community.

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 variances meet the general intent of the Zoning By-law

The subject lots are zoned "Detached Third Density Residential R3 (546) Exception Zone". The site-specific zoning ensures the development is appropriately sized and buildings and structures are orientated accordingly. The intent of requiring a minimum interior side yard of 1.2 metres on both sides is to ensure sufficient

separation between dwellings for functional purposes such as drainage, maintenance and access, as well as to ensure a consistent streetscape.

Despite the reduction of 0.55 metres, providing a minimum interior side yard setback of 1.2 metres on one side and 0.65 metres on the other side continues to allow for adequate functionality within both side yards. Within the R4 and R5 zones of the Town's Zoning By-law, a minimum interior side yard of 0.6 metres for detached dwellings is required, therefore a minimum interior side yard setback of 0.6 metres for a detached dwelling is not unique within the Town's Zoning By-law. Staff are satisfied that the general intent of the Zoning By-law is kept, as the variances facilitate consistent architectural design amongst these subject lots and seamlessly blends in with the entirety of the Archerhill Subdivision.

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

The proposed detached dwellings comply with all other zoning provisions. Staff are of the opinion that the requested variances are desirable as allows for a maintaining a house design with similar massing, roof line and overall architectural design in keeping with the character of the subdivision and surrounding neighbourhood. Furthermore, the requested variances implement Council's decision in permitting two additional lots in the subdivision. The variances facilitate detached dwellings that feature three garage doors and a main entrance on the side of the front face of the dwelling. This design is in keeping with the character of the Subdivision.

Staff are of the opinion that the proposal allows for the appropriate development of the site to accommodate reduced side yard setbacks in a manner that respects the character of the properties within the Archerhill Subdivision.

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. 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 requested reduction represents a minor modification to the site-specific zoning provisions and is only applicable to a small area of the subdivision. The subject lots also back onto environmentally protected lands, which further reduces any impacts towards neighbouring lots. There are no concerns around privacy, and the overall impacts to the streetscape and public realm are negligible. Furthermore, these

variances are in line with other residential zoning standards within the Town's Zoning By-law, as the R4 and R5 zones permit minimum interior side yards of 0.6 metres for detached dwellings.

Staff are of the opinion that the requested variances are 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. <ul style="list-style-type: none">• 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

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.