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Town of Aurora

Committee of Adjustment Report

No. MV-2025-30

Subject: **Minor Variance Application**
Mohammad Hossein Shabahang
77 Aurora Heights Dr, Aurora, ON L4G2X1
PLAN 475 LOT 320
File: MV-2025-30

Prepared by: **Peter Fan, Planner**

Department: Planning and Development Services

Date: August 14, 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 construction of an attached Carport. The following relief is being requested:

- A) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard of 1.5 metres. The applicant is proposing a carport, which is 1.2 metres to the interior side property line, thereby requiring a variance of 0.3 metres.

Background

Subject Property and Area Context

The subject lands, municipally known as 77 Aurora Heights Drive, is located within the Aurora Heights Stable Neighbourhood Area, on the Southwest corner of Aurora Heights Drive and Haida Drive.

The subject lands currently feature a one-storey detached dwelling. The subject property has an approximately lot area of 610.56 m² (6572.00 ft²) with approximately 18.26 m (59.9 ft) of lot frontage along Aurora Heights Drive. Vehicular access is provided by way of driveway access along Aurora Heights Drive.

Proposal

The applicant has requested a side yard setback in order to accommodate a recently constructed carport, built without a building permit. Subsequently, the Town of Aurora received a complaint on the proposed structure, in which, the owner is trying to bring into compliance.

The applicant is also applying for an addition located at the rear of the dwelling at this time. However, the building permits are awaiting the completion of the Minor Variance application. The proposed rear addition meets all zoning requirements.

This application is strictly to bring the recently completed carport into compliance with the Zoning By-law as outlined in blue in Appendix B.

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 available space for the driveway is only 4.0 metres (13 feet), so there will be 2.5 metres (8 feet) available space if I were to stay 1.5 metres (5 ft) from the property line. This is not sufficient, and parking will be very tight.”

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2025-30 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 and no disruption to the existing streetscape and the surrounding context of the neighbourhood. The location and orientation of the subject carport are similar to designs that presently existing on properties within the neighbourhood. There is minimal to no disruption on the streetscape, and the surrounding context of the neighbourhood is not impacted.

Furthermore, 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 carport adequately meets the intent of these design policies and allows for a smooth transition between neighbouring properties.

Based on the above, staff are of the opinion that the requested variances are in keeping with the general intent of the Official Plan

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

The intent of the “Detached Third Density Residential R3-SN (497)” zoning is to ensure that the streetscape and public realm are maintained with appropriately sized and oriented buildings and structures. The intent of the side yard setback provision is to ensure appropriate spacing is achieved between dwellings for privacy, access, maintenance, and drainage.

Although the proposed carport exceeds the minimum side yard requirement by 0.3 metres, , the carport remains modest in its overall mass and continues to meet all other provisions of the zoning by-law, thus resulting in minimal visual obstruction and impact.

Staff are of the opinion that the subject carport is modest in overall mass, and as they meet all other provisions of the Zoning By-law, and that there is adequate space for maintenance along the side yard for both properties. The carport is intended to provide

shelter from the elements of the weather. Furthermore, Engineering Staff and external agencies have also reviewed and have no objections with the proposed variance and anticipate that the future drainage will be able to managed within the subject property.

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

The minor variance has been considered in the context of the site itself and the adjacent neighbourhood. The proposed carport has been designed in a manner that respects the existing neighbourhood and adjacent neighbour. The proposed location of the carport is to be in a similar location to other existing carports in the neighbourhood.

The proposal allows for appropriate development of a carport to facilitate vehicular parking within a covered structure, while also providing additional storage space for residential functions. It will enhance the residential function for the owner in transitioning from an open driveway to a covered carport which provides additionally storage space and safety, in a manner that in keeping with surrounding properties with similar structures.

It is Staff's opinion that the requested variance is desirable for the appropriate development of the land.

d) The proposed variance is considered minor in nature

The proposed carport is considered moderate in scale and is not anticipated to generate any adverse impacts to the abutting properties or streetscape. Although the requested variance of 0.3 metres reduction in the side yard setback, the reduction will enhance the residential function for the owners as a garage does not exist currently exist. 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. No objections.

Department or Agency	Comments
Engineering Division	No objections.
Operational Services (Parks)	No objections.
Operational Services (Public Works)	The Owner will be required to obtain a Road Occupancy Permit through 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' – 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.

Operational Services (Public Works)

2. That the Owner obtain a Road Occupancy Permit through Public Works.