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Town of Aurora
Committee of Adjustment Report
No. MV-2025-28

Subject: **Minor Variance Application**
El-Dassouki
7 Steeplechase Avenue
PLAN M1582 LOT 34
File: MV-2025-28

Prepared by: **Kenny Ng, 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 a detached garage with loft. The following relief is being requested:

- a) Section 4.1.2(b) of the Zoning By-law permits a maximum height of 4.5 metres. The applicant is proposing a detached garage with a height of 8.07 metres, thereby requiring a variance of 3.57 metres.

Background

Subject Property and Area Context

The subject property is municipally known as 7 Steeplechase Avenue, located on the south side of Steeplechase Avenue, north of Bloomington Road. The subject property currently accommodates a two-storey detached dwelling and have an approximate lot area of 0.2 ha (2.03 ac), and an approximate lot frontage of 71.82 metres (235.63 feet). The existing two-storey detached dwelling has a Gross Floor Area of 340.9 square metres (3669.42 square feet) with driveway access on Steeplechase Avenue. The subject property is located within an estate residential neighbourhood and contains a tennis court, a playground, two decks and mature vegetation across the site.

Proposal

The applicant proposes to construct a detached garage with an upstairs loft and a new asphalt driveway. A new walkway will connect part of the existing driveway to the proposed asphalt driveway that will be used to access the detached garage. The proposed garage can house up to five vehicles and has a loft which is planned to be used as an arts studio. The proposed garage has a gross floor area of 150.44 square metres and height of 8.07 metres. A new armour retaining wall is also being constructed around the detached garage.

Official Plan

The subject property is designated "Estate Residential" by the Town of Aurora Official Plan. The subject property is also designated "Estate Residential" by the Yonge Street South Secondary Plan (OPA 34) and is located within an "Oak Ridge Moraine Settlement Area". The permitted uses within an Estate Residential designation shall be limited to one detached dwelling per lot, accessory structures, and compatible home occupations.

Furthermore, Schedule 'F1' of the Town Official Plan also identifies the presence of a Key Natural Heritage Feature (Woodland) and its associated Minimum Vegetation Protection Zone (MVPZ) on the subject property. As per the Town Official Plan and Oak Ridges Moraine Conservation Plan (ORMCP), a scoped Natural Heritage Evaluation is required to support the construction of the detached garage to demonstrate there is no adverse effects to the ecological integrity of the Plan Area.

Zoning

The subject lands are zoned "Estate Residential (ER)" in the Town of Aurora Zoning By-law 6000-17. The ER zone is characterized by larger lots and setbacks to establish an estate residential area.

Preliminary Zoning Review

A Preliminary Zoning Review (PZR) has been completed by the Town of Aurora's Building Division. The PZR identified the required variance 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 proposed detached garage will contain an artist loft above the garage space which does require additional building height. The proposed building height of the detached garage has been calculated by the Town of

Aurora at 8.07 m. However, it is the applicant's view that the way this has been calculated greatly exaggerates the perceived reality of building height once the detached garage is constructed. Since a swale is being provided around the structure for drainage purposes, the calculated Established Grade artificially increases the building height. In addition to this, building height has been calculated by the Town from the underside of the dormer soffit, while the applicant would suggest this height be taken from the underside of the garage soffit (the main portion of the roof). If the swale was not considered in the Established calculation and building height taken from the underside of garage soffit, the variance being sought would be as low as 0.86m."

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2025-28 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 "Estate Residential" designation within the settlement Area of the ORMCP is to recognize the existing estate residential pockets within Aurora with very low densities, and to ensure that the estate lot character and density are maintained. The Oak Ridges Moraine (ORM) "Settlement Area" designation also recognizes the subject property as an established and developed community able to support residential uses. Lots within this designation shall preserve a minimum of 75% of the lot in an open, landscaped or natural condition.

The surrounding neighbourhood can be characterized by large estate lots with ample yard spaces and mature vegetation, with generous setback distances between properties. The subject property will maintain approximately 76% of its lot area in an undisturbed natural condition with its proposed development.

Furthermore, the Official Plan Schedule 'F1' identifies a woodland and its associated vegetation protection zone on the subject property. As per Town Official Plan Policy 12.3.3, a scoped Natural Heritage Evaluation (NHE) is required to support the proposed accessory use to demonstrate there are no adverse effects to the ecological integrity of the natural heritage feature or its functions. A Natural Heritage Evaluation was prepared by the applicant in support of the proposed structure, which includes an analysis of existing environmental conditions on the subject property and adjacent areas.

The submitted Natural Heritage Evaluation and Arborist Report found no presence of a Significant Woodland or Species at Risk (SAR) or SAR habitat. The NHE further provides

recommendations and mitigation measures to be implemented, which have been added to the conditions of approval (Appendix 'A') to ensure the proper implementations.

As per the Arborist Report, a total of 45 trees is to be removed to permit for the proposed development. A compensation value has been provided for the trees planned to be removed. Staff have implemented a condition of approval requiring a comprehensive re-planting plan to be provided with a minimum of 1:2 re-planting ratio for the subject property (minimum of two new trees for every one tree removed) which will consist of native species to the site. The re-planting plan shall have specific focus on the easterly side yard of the subject property to provide for appropriate screening from public view.

As shown on Appendix "C" – Tree Preservation Plan, there are existing mature trees within the front and rear yard of the proposed detached garage that will be retained as part of this development and also serve as visual screening. In staff's opinion, the submitted Natural Heritage Evaluation (NHE) and Arborist Report have sufficiently demonstrated that the proposed development can occur without resulting in negative impacts to the existing natural heritage feature.

Staff note that detached garage is a permitted use in the Estate Residential Neighbourhood. Although detached garages are not a commonly found use in the surrounding neighbourhood, the proposed massing and the built form of the detached garage with loft is generally compatible with the built form in the existing neighbourhood and would not incur any character incompatibility concerns.

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 "Estate Residential (ER)" in the Town of Aurora Zoning By-law 6000-17. The intent of the accessory building height provision is to ensure that the accessory structures remain subordinate to the main dwelling on the property. The height provision also helps to reduce negative impacts on adjacent properties, such as shadowing, access to natural light and views. Furthermore, regulating the height can enhance the overall aesthetic and character of a community, ensuring a consistent scale and built form is maintained, thus resulting in a consistent streetscape.

The subject property is relatively isolated from the surrounding estate properties, as the setback distance to other houses is quite significant. The proposed detached garage will be situated in the easterly side yard of the property and will have a sizable setback distance to public view and any neighbouring buildings (15 metres to front, 30 metres to

side and 20 metres to rear), thus eliminating potential shadowing and massing impacts towards surrounding properties.

In comparing to the existing 2-storey dwelling, the proposed detached garage with loft will be approximately 1/3 of the size of the main dwelling's footprint, along with a lower building height. The detached garage with loft will maintain the goal of being subordinate and secondary to the main dwelling.

As the subject lands are an estate residential lot with generous setbacks and ample vegetated areas along all property lines, staff are of the opinion that the increase in building height for the detached garage will not result in any negative impacts to the streetscape or neighbouring properties.

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

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

The requested variance to permit an increased building height for the proposed detached garage is considered to be desirable and appropriate development of the land, given that the structure is in keeping with the estate residential zoning provisions, without any anticipated impact to the public realm and streetscape.

The submitted NHE has also demonstrated that the proposed structure would not result in adverse impacts on the natural heritage feature (woodland), with recommended mitigation measures which will be implemented as conditions of approval for this proposed development. Additionally, staff note that the subject property is outside of the LSRCA Regulated Area and will not require an additional permit. Town Engineering staff has also reviewed the subject application and have no concern regarding to the proposed grading and drainage of the proposed development.

As confirmed by the applicant, the proposed detached garage will not be used as a secondary dwelling unit, and the accessory building will be used solely for car storage and leisure/recreational function only. Staff have also implemented corresponding condition of approval to prevent the detached garage being used as a dwelling unit. Another condition implemented by staff is that the applicant shall apply for new addressing for the detached garage. As the garage is situated quite far away from the main dwelling (over 15 metres), the separate addresses will allow for fire services to recognize the correct building to respond to.

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

d) The proposed variance is considered minor in nature

The requested variance to increase the maximum height is considered minor, as the subject property is occupied by quite a significant number of mature trees which provide for substantial screening of the proposed detached garage. Adequate amount of front and side yard space remain available to provide for sufficient accessibility and functionality for the owner. The existing landscaping surrounding the proposed structure is maintained, which provides for sufficient screening and will continue to maintain the aesthetic elements of the streetscape. Staff also note that the proposed garage's building footprint accounts for less than 2% of the total lot area, which will result in minimal impact on the existing streetscape and character.

Based on the above, staff are of the opinion that the variance is 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 objections.
Engineering Division	No objections.
Operational Services (Parks)	No objections with conditions.
Operational Services (Public Works)	No objections.
Central York Fire Services	No objections.
York Region	No objections.
LSRCA	No objections.

Public Correspondence

Two neighbouring property owners have submitted letter in support of the subject variance application.

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 variance meets the four tests of the Planning Act for granting of 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 & Elevations

Appendix 'C' – Tree Preservation Plan

Appendix 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2025-28 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 obtains a Road Occupancy Permit from the Town of Aurora Public Works department.
3. That the Owner enter into a Memorandum of Understanding (MOU) agreeing to implement the recommendations and mitigation measures of the accompanying Natural Heritage Evaluation prepared by Insight Environmental Solutions Inc., dated July 24, 2025, to the satisfaction of the Director of Planning and Development Services or designate. The recommendations and mitigation measures are listed under Section 5 of the Natural Heritage Evaluation, including but not limited to construction timing, site selection, contaminant and spill management, operation of machinery, tree protection and best management practices for construction.
4. That the Owner enter into a Declaration of Use undertaking agreeing that the use will remain a single-unit dwelling, further approval will be required to change the use to multi-unit dwelling.
5. That the Owner provide a Comprehensive Re-planting Plan providing a minimum of 1:2 re-planting ratio for the subject property (minimum of two new trees for every one tree removed) consisting of site-appropriate native species, with a specific focus on the easterly side yard of the proposed accessory structure, to the satisfaction of the Director of Planning and Development Services or designate.
6. That the Owner apply for an Addressing Suites application from Town of Aurora Planning and Development Services Department to obtain a new addressing for the detached garage, as it pertains to Emergency Services.
7. That the Owner satisfy all items below, to the satisfaction of the Director of the Operational Services or designate of the Parks Division:
 - a. The Arborist Report should be revised to include the provision of monitoring of the site work through a series of site visits by the Arborist/Forester to ensure protection/preservation measures remain in compliance throughout

the duration of the project. Monitoring shall occur i) at commencement of work to certify all tree protection measures are in place, ii) during site work to confirm protection measures are in place and to oversee arboricultural works as required, and iii) post construction assessment. Each site visit is to be documented and any resulting action items required by the Arborist /Forester shall be implemented and confirmed on site forthwith by the Arborist /Forester following each visit.

- b. The Owner shall confirm if compensation is to be provided by replanting on site, or if a fee payment will be made for the compensation amount, or a combination of both. If replanting on site, a replanting plan and cost estimate shall be provided.
- c. Per the Town's Tree Removal By-law, the Owner may remove up to 2 trees per 0.25 hectare without the need of a permit. Therefore, based on the size of the property (0.826 ha), the compensation calculations can be credited for up to 6 trees. The Tree Valuation Matrix should be revised accordingly, to confirm the compensation amount.
- d. The owner shall agree to comply with the Aurora Tree Permit By-law # 5850 -16 prior to the removal of any trees on the property, including submitting the appropriate tree removal application form, and paying the permit fees.
- e. A cost estimate shall be provided by the arborist to address the following items:
 - i. The cost of installation and maintenance of tree preservation fencing and all other tree protection measures.
 - ii. The cost of any pruning and arboricultural works.
 - iii. The cost for arborist's monitoring services as identified in comment 1, above.
- f. The owner shall be required to provide financial securities based on the total Tree Compensation evaluation (if replanting) and the cost of items identified in comment 5, above. If the Owner is not replanting, the value of compensation planting shall be provided in the form of a fee payment to the Town.

- g. All the above shall be included as terms and conditions in a Letter of Undertaking with the Town of Aurora to guarantee compliance with the Conditions of Approval and all related site works.