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Town of Aurora

## Committee of Adjustment Report

No. MV-2025-47

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**Subject:** **Minor Variance Application**  
1000050647 Ontario Inc  
140 Centre Street  
File: MV-2025-47  
Related Planning Application: SP-2025-09

**Prepared by:** **Ahmed Saeed, Planner**

**Department:** Planning and Development Services

**Date:** February 12, 2026

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### Application

The 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 two-storey daycare facility at the rear of the lot.

The following relief is specifically being requested:

- a. Section 10.2 of the Zoning By-law 6000-17 requires a minimum interior lot line of 3.0 metres from the day care building. The applicant is proposing 1.2 metres from the easterly lot line.
- b. Section 10.2 of the Zoning By-law 6000-17 requires a minimum interior lot line of 3.0 metres from the day care building. The applicant is proposing 0.98 metres from the westerly lot line.
- c. Section 10.2 of the Zoning By-law 6000-17 requires a minimum rear lot line of 9.0 metres from the day care building. The applicant is proposing 7.25 metres.
- d. Section 10.2 of the Zoning By-law 6000-17 requires a minimum Lot Frontage of 30 metres. The existing Lot Frontage is 10.1 metres.
- e. Section 10.2 of the Zoning By-law 6000-17 requires a minimum Lot Area of 2,000 square metres. The existing Lot Area is 607 square metres.

- f. Section 5.4, Parking Standards of the Zoning By-law 6000-17 requires a minimum of 2.5 parking spaces per 100 square metres of gross floor area. Based on a gross floor area of 236 square metres, a total of 6 parking spaces are required. The applicant is proposing 4 parking spaces.
- g. Section 5.7 of the Zoning By-law 6000-17 requires a minimum of 2 bicycle spaces. The applicant is proposing 0 bicycle spaces.
- h. Section 5.8.1 of the Zoning By-law 6000-17 requires a barrier free parking space to be a minimum of 3.65 metres in width. The applicant is proposing 3.4 metres.
- i. Section 10.3 of the Zoning By-law 6000-17 requires 1 loading space. The applicant is providing 0 loading spaces.
- j. Section 5.3 of the Zoning By-law 6000-17 requires a minimum maneuvering aisle width of 7.0 metres. The applicant is proposing 5.3 metres.
- k. Section 5.8.1 of the Zoning By-law 6000-17 requires a 2.0 metre landscaping strip along the front and side lot lines. The applicant is proposing 0.0 metre landscaping strip.

## **Background**

### **Subject Property and Area Context**

The subject property, municipally known as 140 Centre Street, is located on the north side of Centre Street within a developed urban area of the Town of Aurora. The property currently contains a two-storey single-detached dwelling situated toward the front of the lot, two accessory structures located centrally on the site, and a fenced outdoor play area situated in the rear of the lot.

The existing property has a lot area of 607 square metres (6,533 sq. ft) and a lot frontage of 10.1 metres. The property is listed heritage but not designated on the Town's Heritage Registry, no heritage permit is required. Surrounding land uses of the subject property include a day care facility located to the west, a residence located to the east and the Aurora GO Station overflow parking facility located to the north. Surrounding land uses are characterized by a mix of residential, commercial, and employment uses consistent with the Major Transit Station Area (MTSA) designation.

## **Proposal**

The applicant is proposing to construct a new two-storey daycare facility located at the rear of the lot. The proposed daycare has a gross floor area of 236 square metres and includes an associated 79 square metres fenced outdoor play area situated at the rear of the building.

The existing accessory structures located centrally on the lot, along with the deck attached to the rear of the existing dwelling, are to be removed. Additionally, the existing chain fence situated along the easterly yard is to be replaced with a new wood board fence. The existing dwelling located at the front of the lot will be retained and will continue to operate as a legal non-confirming residential use.

Vehicular access to the site will be provided via the existing single driveway from Centre Street, which will lead to the proposed on-site parking area situated centrally on the site. A total of five (5) spaces are proposed, including one (1) barrier-free Type A space. Three (3) of the parking spaces, plus one (1) barrier-free space is designated to serve the day care facility. One (1) parking space will be designated to the existing residential dwelling.

## **Official Plan**

The subject property is designated as “Aurora Promenade and MTSA Mixed Use” under Schedule ‘B’ – Land Use Plan in the Town of Aurora Official Plan. The property is further identified as “Major Transit Station Area” in Schedule ‘D1’ of the Town’s Official Plan.

## **Zoning**

The subject property is zoned Service Employment (E1) under Comprehensive Zoning By-law 6000-17, as amended. The E1 Zone permits a range of employment and institutional uses, including daycare facilities.

## **Related Planning Applications**

A Site Plan Approval application (SP-2025-09) has been submitted concurrently for the proposed two-storey day care facility.

## **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 existing property is too small to accommodate the standard zoning specifications”.

### **Planning Comments**

Planning staff have evaluated Minor Variance Application MV-2025-47 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 Major Transit Station Area (MTSA) designation is to support appropriately scaled infill developments that integrate with the surrounding neighbourhood while fostering a range of uses that will transform the area into a vibrant, mixed-use area that prioritizes pedestrian activity, amenities and community services. Child care facilities are permitted within the MTSA designation and represent an essential community service. The proposed development introduces a child care facility while retaining the existing residential use, which aligns with the MTSA policy direction by providing a mix of uses and an essential community service.

Given that the proposed redevelopment is in close proximity to the Aurora Go Station and walking distance from bus connections, the proposed reduced parking space requirements is appropriate and consistent with the MTSA transit-oriented development objectives that seek to reduce reliance on private vehicles. The proposed child care facility is expected to encourage the use of existing transit infrastructure by enabling parents to conveniently drop off their children before commuting to work. In addition, the proposed site design locates parking at the rear of the existing residential dwelling, which supports a safer, pedestrian-oriented environment, consistent with MTSA objective of promoting walkability and pedestrian activity.

Overall, Staff are of the opinion that the proposed variances meet the general intent of the Official Plan.

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

The intent of the Service Employment (E1) Zone is to accommodate employment-related and institutional uses that is compatible in terms of ensuring appropriate site design, access and compatibility with surrounding land uses.

A summary of the requested variances and how they maintain the general intent and purpose of the Zoning By-law is provided below:

#### Minimum Lot Frontage and Minimum Lot Area:

Although the proposed development does not alter the existing lot boundaries which were established prior to the enactment of the current Zoning by-law requirements. Building Staff have interpreted that when introducing a new building on the lot, the development is required to conform with the current Zoning By-law requirements, voiding the legal non-conforming status. The required lot frontage and area size as regulated by the Zoning By-law was established to facilitate employment uses which are typically larger in size. This is a unique area of Town, where the lot were previously created for residential purposes and overtime the Town has changed direction for employment use. As such, although the lot frontage and area will not meet the Zoning By-law requirements, but it will be more compatible and consistent with the rest of the lots on Centre Street.

#### Minimum Rear Lot Line:

The intent of the rear yard setback is to ensure appropriate separation between uses in order to maintain privacy, safety, and compatibility. The site immediately north of the subject property contains the Aurora GO Station overflow parking facility with dense vegetations along the southernly property line. The proposed daycare facility is separated by a proposed play area with a setback of 7.25m. Between the proposed play area plus the dense vegetation, it is Staff's opinion that there is adequate buffer to mitigate any privacy and safety concerns. As such, the proposal maintains the intent of the rear yard setback in the Zoning By-law.

#### Minimum Interior Side Yard:

The intent of the minimum interior side yard setback provisions is to ensure adequate separation between buildings for access, privacy and drainage. Despite the reductions, adequate access to the rear of the property is provided through the easterly side yard and internally through the proposed building. In terms of privacy, the Owner is proposing a new solid fence along the easterly side yard to block the view of the parking spaces. The proposed east elevation of the daycare facility contains no windows, thereby maintaining the privacy of the residence located on the abutting easterly property. Lastly, Engineering Staff does not have concerns with the drainage of the site and believes the proposed variance will not have impact to the maintenance of stormwater on the site.

#### Landscaping Strip:

A typical building in an employment zone would contain a large building footprint. The intent of the landscaping strip requirements in an employment zone is to break up those large elevations facing the street between industrial buildings. Although the subject property is within an employment zone, the north side of Centre Street is still predominately residential in nature. The proposed daycare is located in the rear of the

property which keeping the residential building at the front is more consistent with the existing street pattern of Centre Street than the requirements of the Zoning By-law. As such, it is Staff's opinion that the reduction of landscaping strip is appropriate for this portion of Centre Street.

#### Vehicular Parking and Maneuvering Aisle:

The intent of the vehicular parking provisions is to ensure that an adequate supply of on-site parking is provided to support the proposed use while minimizing impacts on surrounding streets and adjacent properties. The intent of the minimum maneuvering aisle provisions is to regulate site access and minimize impacts on the public realm while ensuring safe vehicular movement. The proposed daycare facility is modest in scale and is expected to generate parking demand primarily during peak drop-off and pick-up periods. Engineering Staff agrees with the applicant's Traffic Impact Study which concluded that the reduced parking spaces is sufficient for peak demand and have no concerns with regards to the on-site maneuvering and driveway areas.

#### Barrier-Free Parking:

The intent of the barrier-free parking provisions is to ensure that parking spaces designated for persons with disabilities are safe, convenient, and provide sufficient space for vehicle access to and from a building entrance. Although, the proposed barrier-free parking space does not meet the Town's Zoning By-law, it does meet the minimum requirements of the *Ontario Building Code*. Furthermore, it has direct access to the proposed daycare facility.

#### Bicycle Parking:

The existing E1 zone is intended to support the transportation needs of a larger workforce. However, the proposed day care only anticipates four (4) staff members. Furthermore, most trips to and from the site are expected to be made by parents accompanying young children, typically by automobile. Lastly, the location of the subject property is within a walkable distance from nearby transit stations. Staff does not anticipate a demand for bicycle usage and the reduction of bicycle parking will not discourage another active transportation methods like public transportation.

#### Loading Space:

The intent of the loading space requirement is to ensure that service and delivery functions can occur safely and efficiently on-site without creating conflicts with vehicular circulation or impacts to the public realm. Given the scale and operational characteristics of the proposed daycare facility, Staff are satisfied that loading and servicing activities can be accommodated through on-site parking and designated drop off areas without the

need for a dedicated loading space. The absence of a formal loading space is not anticipated to result in adverse operational or safety impacts.

Overall, staff are of the opinion that the requested variances meet the intent of the Zoning by-law.

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

The proposed daycare use is compatible with adjacent land uses. The proposed development is in keep with the development patterns on Centre Street and the use is compatible with the existing day care facility located west of the subject property. Locating the proposed daycare at the rear of the lot will not impact the existing residential character of Centre Street. The proposed east elevation of the daycare facility and the new solid wood fence will further mitigate potential privacy impacts between the proposed day care and residence. Overall, the requested variances are appropriate and desirable to support the proposed development.

**d) The proposed variance is considered minor in nature**

The proposed variances are minor in nature when considered collectively and in the context of the existing site conditions and surrounding development. The proposed variances do not result in any negative impacts, as the proposed development does not alter the existing lot frontage or lot area and maintains the existing driveway. The proposed site layout will continue to provide safe and functional vehicular movement for drop-off and pick-up, and appropriate access for emergency vehicles. The overall site functionality is maintained, and no adverse operational impacts are anticipated.

**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 objection.
Engineering Division	No objection.
Operational Services (Parks)	No objection.

Department or Agency	Comments
Operations (Public Works)	No objection.
Central York Fire Services	No objection.
York Region	No objection.
LSRCA	No objection.
Alectra	No objection.

### Public Correspondence

Written submissions were not received at the time of writing of this report. Should additional 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 'C' - Elevations



### **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.
2. That the Owner shall obtain all necessary Site Plan approval from the Town Development Planning division to the satisfaction of the Director of Planning and Development Services; and
3. "That the Owner shall clear all the above conditions within two (2) years of the date that notice of the decision was given or the Variance will lapse, requiring re-application to the satisfaction of the Director of Planning and Development Services."

#### **Operational Services (Parks):**

4. That the owner shall be required to provide an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester outlining all aspects of the impacts that this proposal will have on existing trees. The report shall include the following:
  - a. An assessment of existing trees (5cm trunk diameter and greater) by size, species and condition including trees on adjacent properties whose structure or root zone may be impacted by construction.
  - b. Identification of all tree injuries and tree removals, if any.
  - c. Identification of all tree protection measures including recommendations on the mitigation of negative effects to trees during and post construction, including applicable maintenance requirements.
  - d. 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.

- e. A monetary evaluation in accordance with the Town's Tree Compensation Policies for all trees designated to be removed.
- 5. The Owner shall be required to provide a tree compensation and a replanting plan in accordance with the Town of Aurora Tree Compensation Policies to the satisfaction of the Director of Operational Services as compensation for trees removed to facilitate construction. Compensation planting shall be completed prior to release of the financial securities.
- 6. 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.
- 7. The owner shall be required to provide financial securities based on the total value of the Tree Compensation evaluation and all Arboriculture works as defined by the Town and the Owner's Arborist/ Forester, to the satisfaction of the Director of Operational Services.