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Town of Aurora
Committee of Adjustment Report
No. MV-2021-31

Subject: **Minor Variance Application**
Smith
53 Metcalfe Street
PLAN 68 PT LOT 7
File: MV-2021-31

Prepared by: Brashanthe Manoharan, Planner
Department: Planning and Development Services
Date: November 11, 2021

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 removal and replacement of the existing attached garage and front verandah. The following relief is being requested:

- a) Section 4.20 of the Zoning By-law states an open porch requires a minimum setback of 4.5 metres. The applicant is proposing a front verandah, which is 3.3 metres to the front property line;
- b) Section 4.20 of the Zoning By-law states steps require a minimum setback of 4.5 metres. The applicant is proposing front steps, which is 2.6 metres to the front property line;
- c) Section 7.2 of the Zoning By-law requires a minimum front yard setback of 6.0 metres. The applicant is proposing an attached garage, which is 3.5 metres to the front property line;
- d) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard of 1.5 metres. The applicant is proposing an attached garage, which is 1.0 metres to the interior side property line;

- e) Section 24.497.5 of the Zoning By-law states an integral garage shall be flush with or setback from the main front wall of the detached dwelling. The applicant is proposing an attached garage which projects in front of the main front wall of the detached dwelling; and
- f) Section 5.4 of the Zoning By-law requires a minimum of 2.0 parking spaces for a detached dwelling. The applicant is proposing 1.0 parking space.

Background

Subject Property and Area Context

The subject property, municipally known as 53 Metcalfe Street, is located within the Town Park Stable Neighbourhood Area, on the south side of Metcalfe Street, east of Yonge Street and south of Wellington Street East. 53 Metcalfe Street is a non-designated property listed on the Town's Heritage Register. The proposed work does not require a heritage permit under the *Ontario Heritage Act*.

The subject property has a lot area of approximately 967.96m² (10,419.03ft²) and a lot frontage of approximately 18.05m (59.22ft).

The subject property currently contains a two-storey detached dwelling with an attached garage that has an approximate gross floor area of 304.54m² (3,278.04ft²). There is also vegetation on the property, which includes a raised planting bed and a mature tree in the front yard, three (3) trees along the west property line, and mature vegetation along the rear property line.

The surrounding area is an established residential neighbourhood that is generally characterized by one to two and a half storey detached dwellings.

Proposal

The applicant is proposing to remove and replace the existing verandah and attached garage to perform the required repairs and waterproofing of the original foundation. The existing 9.73 m² (104.73 ft²) verandah will be replaced with a new verandah footprint of approximately 19 m² (204.51 ft²) and the existing 25.19m² (271.14 ft²) attached garage will be replaced with a new garage footprint of approximately 39.31 m² (423.12 ft²).

A summary of the requested variances and applicable by-law requirements are as follows:

Zoning By-law Standard	Zoning By-law Requirement	Requested Variance	Difference
Front yard setback	4.5m (14.7ft) (open porch encroachment)	3.3m (10.8ft)	1.2m (3.9ft)
Front yard setback	4.5m (14.7ft) (step encroachment)	2.6m (8.5 ft)	1.9m (6.2 ft)
Front yard setback	6.0m (19.6ft)	3.5m (11.5ft)	2.5m (8.2ft)
Interior side yard setback	1.5m (4.9ft)	1.0m (3.3ft)	0.5m (1.6ft)
Garage location	An integral garage or an accessory detached garage shall be flush with, or set back from, the main front wall of the detached dwelling.	Attached garage projects in front of the main front wall of the detached dwelling.	N/A
Parking Spaces	2.0 spaces	1.0 space	1.0 space

Official Plan

The subject property is designated “Stable Neighbourhoods” by the Town of Aurora’s Official Plan, which seeks to ensure that residential neighbourhoods are protected from incompatible forms of development, while allowing the neighbourhoods to be enhanced over time. Further, the Stable Neighbourhoods designation provides for single detached dwellings as a permitted use.

Zoning

The subject property is zoned R3-SN(497) (Detached Third Density Residential – Stable Neighbourhood Exception Zone # 497) by Zoning By-law 6000-17, as amended, which permits single detached dwellings.

As per the Town’s Site Plan Control By-law 6106-18, as amended, the proposal is not subject to Site Plan Approval as the proposal is less than 50 m².

Heritage Review

53 Metcalfe Street is a non-designated property listed on the Town’s Heritage Register. The proposed work does not require a heritage permit under the *Ontario Heritage Act*. On November 1, 2021, Staff presented the proposal to the Heritage Advisory Committee meeting and the Committee expressed no questions or comments for the proposal.

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.

Applicant's stated reason(s) for not complying with the Zoning By-law

As stated in the cover letter:

"It has recently been determined that the foundation system of the original house is failing due to water infiltration. Structural repairs to remediate damage to the foundation will be required along the length of the three original exposed foundation walls on the west, north and east sides of the home, necessitating the removal of the existing attached single car garage, raised planting area, and verandah.

At present, the owners find the size of the interior of garage to be inadequate; the existing space does not allow for a vehicle passengers' side doors to be opened inside the garage. The existing garage is too small and the owners wish to have one that is more functional. There are however physical constraints that will prevent the enlarged garage from being pushed back to be in line with the existing main front wall. These consist of two windows that are located immediately behind the existing rear wall of the garage. They are required openings under the Ontario Building Code. This means that the proposed garage can only go forward to the street and sideways toward the east property line.

The existing front verandah is separated from the garage by a raised planting area. The owners would like to eliminate the planting area while enlarging the width of the verandah to the east. The depth of verandah will remain the same. Once the remedial work has been completed, the owners will replace the existing raised planting bed with the extension of the verandah. "

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2021-31 pursuant to the prescribed tests as set out in Section 45(1) of the Planning Act, as follows:

The proposed variances meet the general intent of the Official Plan

The existing dwelling on the subject property is one of many dwellings on Metcalfe Street that is listed in the Town's Heritage Register. Section 13.2 c) of the Official Plan indicates that the Town's by-laws shall be sensitive to the Town's heritage resources

and may permit non-standard solutions, including but not limited to setback reductions, parking requirements, etc. to support the conservation of the Town's heritage resources. The requested variances A, B, and F relate to pre-existing conditions of the dwelling, which is part of the unique character of the historic grouping of Metcalfe Street.

Variances C, D, and E relate to the proposed attached garage. For Variance E, the existing garage is not flush with or set back from the dwelling's main wall, it currently projects 1.47m (4.8ft) from the main wall and is setback 4.6m (15.0 ft) from the front property line. The proposed new garage will project an additional 1.0m (3.2 ft) from the existing garage and is proposed to be set back 3.5m (11.5ft) from the street. Although the garage projects an additional 1.0m from the existing garage, it maintains a generally consistent street wall.

Staff are satisfied that the scale, location, and materials of the proposal verandah and attached garage will further strengthen the sense of identity for the stable neighbourhood area which has a strong heritage character. As such, staff consider the requested variances to meet the general intent of the Official Plan.

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

The front yards on Metcalfe Street are varied with most of the dwellings having modest front yards with a combination of grassed areas and low landscape elements along entry features. The requested variances A, B, and F relate to pre-existing conditions of the dwelling and are considered appropriate within the context of the historical development pattern and character in the neighbourhood. The proposed verandah will maintain the pre-existing setback, keeping the front wall of the dwelling in line with the other dwellings on the street.

The existing attached garage has a front yard setback of 4.5m (14.7ft) and an east side yard setback of 2.4m (7.8 ft). The proposed attached garage will have a front yard setback of 3.5m (11.4ft) and an east side yard setback of 1.0m (3.2ft). The existing garage is currently non-complying as it projects beyond the existing main wall of the house. The existing driveway on the property is not large enough to accommodate a parking space as per the requirements of the zoning by-law; only one parking space exists on the property in the garage. Further, the proposed attached garage will maintain an approximate spatial separation of 8.04m (26.37ft) from the abutting dwelling on the east. The requested variances are not anticipated to create any significant impacts on the streetscape, character of the area, or to abutting properties. It is the opinion of staff that the requested variances meet the general intent of the Zoning By-law.

The proposed variances are considered desirable for the appropriate development of the property

The applicant is proposing to remove and replace the existing verandah and attached garage to perform the required repairs and waterproofing of the original foundation. The requested variances are considered appropriate within the context of the historical development pattern in the neighbourhood. Staff do not anticipate that the requested variances will generate any adverse impacts on the abutting properties. Further, Engineering Staff have no concerns with the requested variances provided that a grading plan be provided to demonstrate that the existing drainage pattern will be maintained, any changes in the grading due the proposed site works shall not cause any adverse impacts on the adjacent neighbouring properties, and that roof drain downspout(s) be located away from the property line to avoid direct outlet of water onto the abutting property.

Although the proposal is not subject to Site Plan Approval, the Urban Design Guidelines for the Town Park neighbourhood were reviewed. Staff are of the opinion that the proposal is consistent with the verandah styles and projected front walls that currently exist within the Town Park Neighbourhood. Further, on November 1, 2021, Staff presented the proposal to the Heritage Advisory Committee meeting and the Committee expressed no questions or comments on the proposal.

Staff are satisfied that the proposed verandah and attached garage are consistent and compatible with styles that exist within the Town Park Neighbourhood and will maintain a generally consistent street wall with neighbouring properties on Metcalfe Street. As such, staff consider the variances desirable for the appropriate development of the property.

The proposed variances are considered minor in nature

The pre-existing front yard setbacks for the proposed verandah will be maintained to ensure the protection of the historic development pattern in the neighbourhood. There will be minimal impact on the streetscape character as the front building wall will be in general alignment with the other homes on Metcalfe Street. Further, no impacts are anticipated for neighbouring properties. As such, 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 on July 22, 2021.
Engineering Division	<p>No objection to the variance application provided that a site grading plan prepared by a professional engineer, to the satisfaction of the Director of Planning and Development Services, is submitted demonstrating that;</p> <ol style="list-style-type: none">1. The existing drainage pattern shall be maintained and any changes in the grading due the proposed site works shall not cause any adverse impacts on the adjacent neighbouring properties;2. Roof drain downspout(s) shall be located away from the property line to avoid direct outlet of water onto the adjacent property. <p>(e-mail dated October 28, 2021).</p>
Operational Services (Parks)	<p>There are trees situated on the subject property and/or property line that may be impacted by excavation or disturbance due to construction. This may result in irreparable damage to the root systems and/or canopy to one or more of these trees.</p> <p>Confirmation of the impacts to existing trees is required.</p> <p>Please refer to Recommended Condition of Approval #3.</p> <p>(Letter dated October 28, 2021).</p>

Department or Agency	Comments
Central York Fire Services	No comments received at the time of writing this report.
York Region	York Region has no comments on the application (e-mail dated October 21, 2021).
LSRCA	No comments on application as it is located outside the area governed by O. Reg. 179/06 under the <i>Conservation Authorities Act</i> . (e-mail dated October 18, 2021).
Alectra	No objections to its approval (Letter dated October 18, 2021).

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 variance does meet the four tests of the Planning Act for granting of minor variances. Staff recommend approval of the requested variances subject to the conditions outlined in Appendix 'A'.

Attachments

Appendix 'A' - Recommended Conditions of Approval

Appendix 'B' – Site Plan and Elevation Drawings

Appendix 'A' – Conditions of Approval

The following conditions are required to be satisfied should application MV-2021-31 be approved by the Committee of Adjustment:

1. That the variance only applies to the subject property, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and dated July 22, 2021, to the satisfaction of the Director of Planning and Development Services.
2. That a site grading plan prepared by a professional engineer, is submitted demonstrating the following, to the satisfaction of the Director of Planning and Development Services:
 - a. The existing drainage pattern shall be maintained and any changes in the grading due the proposed site works shall not cause any adverse impacts on the adjacent neighbouring properties;
 - b. Roof drain downspout(s) shall be located away from the property line to avoid direct outlet of water onto the adjacent property.
3. Submission to the Secretary-Treasurer of written confirmation from the Town's Director of Operations or designate; that the Applicant has satisfied all concerns below as noted in the October 28, 2021 memo by Sara Tienkamp, Manager of Parks and Fleet:
 - That the owner may 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 and current remaining vegetation, The report shall include recommendations and an action plan on the mitigation of negative effects to vegetation , during and post construction periods as well as measures aimed at tree health care and protection for trees effected by the project and any remaining trees in the vicinity of the project that require applicable maintenance.
 - In addition, the report shall include a schedule of monitoring the ongoing site work through a series of scheduled site visits by the Arborist / Forester during and post construction to ensure the vegetation preservation measures remain in compliance throughout the project, each site visit 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.
 - The owner may be required to provide vegetation compensation and a replanting plan in accordance with the Town of Aurora TREE

REMOVAL/PRUNING AND COMPENSATION POLICY 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.

- 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.
- The owner shall agree 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 Owners Arborist/ Forester. To the satisfaction of the Director of Parks and Recreation.
- All of 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.