



100 John West Way
Aurora, Ontario
L4G 6J1
(905) 727-3123
aurora.ca

Town of Aurora
Committee of Adjustment Report
No. MV-2021-30

Subject: **Minor Variance Application**
Sewhdat
130 Edward Street
Part 2 & 4 of Plan 65R-38880
File: MV-2021-30
Related Planning Application(s): SPR-2021-07, C-2019-14 & C-2019-15

Prepared by: Brashanth Manoharan, Planner

Department: Planning and Development Services

Date: December 9, 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 construction of a two-storey detached dwelling. The following relief is being requested:

- a) Section 24.497.3.3 of the Zoning By-law permits a maximum lot coverage of 35.0%. The applicant is proposing a two-storey detached dwelling with a lot coverage of 37.9%.

Background

Subject Property and Area Context

The subject property, municipally known as 130 Edward Street, is located within the Town Park Stable Neighbourhood area, on the west side of Edward Street, east of Yonge Street and west of Industrial Parkway South. The subject property has a lot area of approximately 467.53 m² (5,032.50 ft²) and a lot frontage of approximately 15.26 m (50 ft).

The subject property is currently vacant with a variety of mature vegetation present. The surrounding area is an established residential neighbourhood that is generally

characterized by one to two and a half storey detached dwellings west of Edward Street, and a variety of non-residential uses east of Edward Street.

Proposal

The applicant is proposing to construct a new two-storey detached dwelling with an integral garage with a proposed GFA of approximately 262.54m² (2,825.95ft²).

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
Lot Coverage	35%	37.9%	2.9%

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.

The proposed development is subject to Site Plan Approval as per By-law 6106-18, as amended. A Site Plan Application has been submitted to the Town and is currently under review.

Related Planning Applications

In December 2019, the owners of 93 & 97 Kennedy Street East submitted a Consent Application (C-2019-14 & C-2019-15) to the Town. The purpose of the application was to sever a portion of each property (Part 2 from 93 Kennedy Street East and Part 4 from 97 Kennedy Street East) to create a new lot to facilitate the development of a new single-detached dwelling, fronting Edward Street. On February 6, 2020, the Committee of Adjustment granted Provisional Consent, subject to conditions. The conditions of approval were satisfied by the applicant and on January 5, 2021, a Certificate of Official was issued.

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 owners are seniors that have sold their existing large home, and bought this small lot to build a home that would be friendly to their declining health and mobility, with a low maintenance grounds. This home has been designed with two bedrooms with ensuites, and to accommodate easy movement of wheelchairs in these rooms. The kitchen has also been designed for easy movement with the use of multiple pullouts for easy access. We are also installing an elevator so that all three floors would be accessible. We have also accommodated for space for a live-in caregiver, and room for the grandchildren to visit and play. The GFA is below the zoning and all setbacks and all height restrictions meet the zoning except for the minor variance on coverage."

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2021-30 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 Official Plan states that new development abutting existing residential development shall be sympathetic to the form and character of existing development. The proposed two-storey detached dwelling is designed in a manner that respects the existing low-density residential character of the neighbourhood and will not adversely impact the streetscape. Staff consider the proposed lot coverage to meet the general intent of the Official Plan.

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

The intent of the lot coverage requirement is to regulate the amount of building footprint on a property. The requested variance for increased lot coverage relates to a proposed two storey detached dwelling with an integral garage. The subject property has a lot area of 467.53 m² (5,032.50 ft²) and the proposed two-storey detached dwelling with an integral garage will have a proposed GFA of approximately 262.54m² (2,825.95ft²).

Although the proposed dwelling complies with setbacks, gross floor area, and height provisions, it does not comply with the maximum lot coverage requirement of the Zoning By-law. The requested lot coverage variance is considered a modest deviation from the Zoning By-law requirement and is considered appropriate as the proposed dwelling will have adequate amenity space and will not compromise the livability of the property and character of the area.

Further, 'open to above/below' areas are exempt from GFA calculations. The proposed dwelling is designed with two (2) 'open to above/below' areas (one above the "family room" and the other above the front foyer), which has a combined GFA of approximately 32.29m² (347.56ft²). If the GFA calculation were to include the 'open to above/below' areas, it will have an approximate GFA of 294.83 m² (3,173.52ft²), which remains below the maximum GFA permitted of 370.0 m² (3,982.65 ft²).

The requested lot coverage variance is not anticipated to create any significant impacts on the streetscape, character of the area, or to abutting properties. As such, Staff consider the proposed lot coverage variance to meet the general intent of the Zoning By-law.

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

At present, the property abuts the rear yard of 97 Kennedy Street East (north) which currently contains a frame shed within close proximity of the rear property line, and the rear yard of 96 Cousins Drive which contains a detached garage within close proximity of the rear property line. Staff are satisfied that there is adequate spatial separation between the proposed dwelling and the abutting accessory structures and that adequate outdoor amenity space and privacy will be provided for the subject property and abutting properties.

The proposed dwelling is subject to Site Plan review to ensure consistency with the Town Park Urban Design Guidelines and neighbourhood compatibility while enhancing neighbourhood character. Staff are of the opinion that the requested lot coverage variance will facilitate the construction of a dwelling that reflects the intended scale of infill development for the Town Park Neighbourhood. As such, the requested lot coverage variance is considered to be an appropriate and orderly form of development of the property.

The proposed variances are considered minor in nature

The scale of the proposed dwelling is considered compatible with the character of the neighbourhood. No adverse impacts are anticipated to occur on abutting properties with respect to drainage, shadowing, or view obstruction. Staff are of the opinion that

the requested lot coverage variance will have no impact on the streetscape and overall neighbourhood. As such, staff are of the opinion that the variance is 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
Accessibility Division	No comments on the application (e-mail dated November 22, 2021).
Building Division	Preliminary Zoning Review was completed on November 16, 2021.
Engineering Division	No concerns on the application (e-mail dated October 19, 2021).
Operational Services (Parks)	There are trees situated on the subject property that will require removal and/or will be impacted by excavation or disturbance due to construction. Please refer to Recommended Condition of Approval #2.
Central York Fire Services	No comments received.
York Region	York Region has no comments on the application (e-mail dated November 17, 2021).
Alectra	No objections to its approval (e-mail dated October 18, 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).

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 requested variances meet the four tests of the Planning Act. Staff recommend approval of the variances subject to conditions of approval (Appendix 'A').

Attachments

Appendix 'A' – Conditions of Approval

Appendix 'B' - Site Plan & Elevations

Appendix 'A' – Conditions of Approval

The following conditions are required to be satisfied should application MV-2021-30 be approved by the Committee of Adjustment:

1. That the owner obtains Stable Neighborhood Site Plan Approval as per By-law 6106-18, as amended, to the satisfaction of the Director of Planning and Development Services or designate;
2. 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 21, 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