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Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2021-34

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**Subject:** **Minor Variance Application**  
Dormlind Developments Ltd.  
22 Kingswood Lane  
MV-2021-34  
Related Planning Applications: OPA-2017-02,  
ZBA-2017-01, SUB-2017-01, CDM-2017-01  
& SP-2018-01

**Prepared by:** Sean Lapenna, Planner

**Department:** Planning and Development Services

**Date:** December 9, 2021

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## Application

The applicant is requesting relief from the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate the development of a new two-storey Single-Detached Dwelling with a Gross Floor Area of approximately 3,790.0 ft<sup>2</sup> (352.11 m<sup>2</sup>). The following relief from the requirements of the Town's Zoning By-law 6000-17, as amended, is requested:

- a) Section 7.2 of the Zoning By-law requires a minimum rear yard setback of 7.5 metres. The applicant is proposing a two-storey detached dwelling which is 6.5 metres to the rear property line.

## Background

### Subject Property and Area Context

The subject lands are municipally known as 22 Kingswood Lane and are located east of Yonge Street, north of Hunters Glen Road and on the west side of Kingswood Lane. The subject lands are currently vacant and have an approximate lot area of 383.09 m<sup>2</sup> (4,124 ft<sup>2</sup>) and a lot frontage of 14.96 m (49.0 ft).

**Proposal**

The applicant has requested one variance for a reduced rear yard setback in order to accommodate a new two-storey Single-Detached Dwelling with a Gross Floor Area of approximately 3,790.0 ft<sup>2</sup> (352.11 m<sup>2</sup>).

**Official Plan**

The subject property is designated 'Cluster Residential' by the Town of Aurora Official Plan (OPA 34). Single detached dwellings are permitted by the Official Plan.

**Zoning**

The subject property is zoned 'R4 (501) (Detached Fourth Density Residential Exception Zone)' under Zoning By-law 6000-17, as amended, which permits single detached dwellings.

**Related Planning Applications**

The subject property is located within a twenty-seven (27) single-detached lot subdivision along a private condominium road which required planning approvals in the form of an Official Plan Amendment (OPA-2017-02), Zoning By-law Amendment (ZBA-2017-01), Plan of Subdivision (SUB-2017-01), Plan of Condominium (CDM-2017-01) & Site Plan Approval (SP-2018-01). All Planning approvals listed have been issued and the Subdivision Agreement was executed in February 2021 and subdivision registered in August 2021.

**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**

Please see attached Cover Letter (Appendix C).

**Planning Comments**

Planning Staff have evaluated Minor Variance Application MV-2021-34 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 variance requested is not anticipated to have any negative impact on the character of the future neighbourhood (yet to be built out). The proposed dwelling will also be in keeping with the surrounding context of the neighbourhood.

It is the opinion of Planning staff that the proposed variance maintains the general intent of the Official Plan.

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

The purpose of setback requirements in the Zoning By-law is to ensure that adequate separation is provided between buildings on abutting properties. Furthermore, staff are also mindful of any potential negative impacts to neighbouring properties from a privacy standpoint in regards to abutting rear yard amenity space.

In this case, the subject property's rear yard property line (located to the east) is not abutting another residential lot but instead, a 5.0 m (16.0 ft) wide noise berm approved as part of the plan of subdivision. This noise berm is abutting Block 29 (shown on approved plan of subdivision) which is 12.0 m (39.0 ft) in width and conveyed to the Town as part of a future public trail system. In addition to this, there is also no neighbouring dwelling located to the north but instead, a Tree Protection Zone (TPZ) which is zoned 'Private Open Space (O2)' resulting in a separation distance of 9.03 m (30.0 ft) between the side yard property line located to the north and the northern boundary line for the plan of subdivision.

Although the dwelling would be constructed closer to the rear yard property line than what the by-law allows, staff are of the opinion that the requested variance of 6.5 m (21.0 ft) will not result in any conflicts as it relates to building separation nor will it impact the enjoyment of the rear yard amenity areas with any surrounding neighbouring property. In addition to this, the new location for the dwelling would not conflict with the 40.0 m (131.0 ft) setback requirement from the centreline of Yonge Street imposed through the Official Plan Amendment.

As such, staff are of the opinion that the requested variance meets the general intent of the zoning by-law.

**c) The variance is considered desirable for the appropriate development or use of the land**

The minor variance requested to accommodate a two-storey Single-Detached Dwelling has been considered in the context of the site and neighbourhood to be built out in the future. As noted in the submitted Cover Letter (Appendix 'C') the requested variance is required due to the rear lot line not being completely parallel to the proposed dwelling.

It is in the opinion of staff that even with a reduced rear yard setback that the dwelling will still be in keeping with other surrounding properties to the south and east located within the approved plan of subdivision. Staff do not anticipate that the variance as requested will result in any negative impacts and that the dwelling will remain compatible with the future surrounding built form. Furthermore, the rear yard amenity space to remain on the subject property is considered by staff to be appropriate. Finally, a 5.0 m wide noise berm is located in between the rear lot lines for all single-detached lots adjacent to Yonge Street and Block 29 (future public trail) which includes a 2.7 m (9.0 ft) high acoustic fence along the rear yard property lines. The reduced rear yard setback will have no impact on the noise attenuation measures in place which were approved as part of the plan of subdivision.

Based on the above, staff are of the opinion that permitting the subject variance is an appropriate development and use of the land.

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

The request for a reduced rear yard setback of 6.5 m (21.0 ft) from the required 7.5 m (25.0 ft) is not considered by staff to be a major deviation from the by-law requirement. When taking into other aspects as well, staff note that the variance applies only to a portion of the rear yard in the north-west corner of the subject property and not to the entire rear yard. This results in the reduced rear yard setback being located as far away as possible from surrounding neighbouring dwellings which again, mitigates potential for impact to surrounding properties from a spatial separation standpoint.

Staff also advise that all other applicable by-law requirements are still being met.

Staff therefore consider the variance to be 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:

<b>Department / Agency</b>	<b>Comments Provided</b>
Engineering Services	We have reviewed the above-noted minor variance application and have no objections (Comments dated November 25, 2021).
Building Division	Preliminary Zoning Review completed November 9, 2021. No comments provided specifically on the application at the time of writing of this report.

Accessibility Advisor	No comments or objections (e-mail dated November 22, 2021).
Traffic Analyst	No comments provided at the time of writing of this report.
Operational Services – Parks	We have reviewed the documentation for the property associated with the above noted application and have no formal comments regarding the application (Comments dated November 26, 2021).
Central York Fire Services	No comments provided at the time of writing of this report.
The Regional Municipality of York	The Regional Municipality of York has completed its review of the above minor variance and has no comment (Comments dated November 17, 2021).
Lake Simcoe Region Conservation Authority	The subject property is located outside of an area that is regulated by the LSRCA. Unless our review is preferred or warranted, we will not be providing comments nor collecting a review fee per our MOU with the Town (Comments dated November 25, 2021).
Alectra Utilities	<p>We have reviewed the proposed Variance application and have no objections to its approval, subject to the following comments:</p> <p>Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan. All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.</p> <p>In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.</p> <p>In the event construction is completed, and the clearance between the constructed structure and the adjacent existing</p>

	overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work (Comments dated November 16, 2021).
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## 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 recommend approval subject to a condition of approval. Please refer to Appendix 'A' for the recommended condition of approval for the requested variance.

## Attachments

Appendix 'A' - Recommended Condition of Approval

Appendix 'B' - Site Plan & Elevations

Appendix 'C' - Submitted Cover Letter

**Appendix 'A' – Recommended Condition of Approval**

The following condition are required to be satisfied should application MV-2021-34 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 November 8, 2021, to the satisfaction of the Director of Planning and Development Services.