

COMMITTEE OF ADJUSTMENT STAFF REPORT

DATE: November 9, 2020

FROM: Sean Lapenna, Planner, Planning and Development Services

RE: Minor Variance Application
183 Kennedy Street West
Plan 246, Pt Lot 32
File: MV-2020-21

1. APPLICATION

The applicant is requesting the following relief from the Town's Comprehensive Zoning By-law 6000-17, as amended, to permit a reduced interior side yard setback for a newly proposed two-storey detached dwelling:

- a) Section 7.2 of the Zoning By-law requires a minimum interior side yard setback of 4.5 metres. The applicant is proposing an interior side yard setback of 1.02 metres to the westerly interior side property line.

2. BACKGROUND

Subject Property and Area Context

The subject lands are municipally known as 183 Kennedy Street West and is located south of Wellington Street West, east of Bathurst Street, west of Yonge Street and on the south side of Kennedy Street West. The subject lands have a lot area of approximately 2,504.36 m² (26,957.59 ft²) and a frontage of approximately 30.47 m (99.97 ft). Vegetation exists throughout the property in the form of mature trees. The property currently accommodates a one storey single-detached dwelling, which the owner is intending to demolish, in order to develop a new two-storey detached dwelling.

The subject property is located within an established residential neighbourhood. Surrounding land uses include residential in the form of single-detached dwellings to the north, east, west and south.

Proposal

A minor variance for a reduced interior side yard setback is being requested to accommodate a new two-storey Single-Detached Dwelling with a proposed Gross Floor Area of approximately 378.11 m² (4,070.12 ft²), a lot coverage of approximately 15.1 % and a building height of approximately 9.36 m (30.70 ft). The Site Plan also includes a proposed outdoor pool (16 ft x 32 ft) (4.8768 m x 9.7536 m) with a concrete deck. The owner had noted in their submitted application that the proposed location of the new dwelling was recommended by the LSRCA. As noted by the LSRCA through their review, this property is partially located within a floodplain. The proposed location for the new dwelling was recommended by the LSRCA as this particular area onsite is elevated and not within any floodplain portion of the property.

Official Plan

Two separate Official Plan designations apply to the subject lands. The center area of the property is designated 'Suburban Residential' while other areas towards the north (front) and south (rear) of the property are designated 'Private Parkland'.

Permitted uses in 'Suburban Residential' areas are limited to detached dwellings, accessory dwellings and compatible home occupations.

Permitted uses in 'Private Parkland' areas include passive and recreation uses, conservation uses, as well as public uses and public and private infrastructure.

Zoning

The subject lands are zoned R1 (Detached First Density Residential) Zone by the Town of Aurora Zoning By-law #6000-17, as amended. The proposed detached dwelling is permitted under the R1 (Detached First Density Residential) Zone.

Preliminary Zoning Review

A Preliminary Zoning Review (PZR) was completed by the Building Division on November 9, 2020. The PZR identified the required variance and no other non-compliance was identified.

3. REVIEW & COMMENTS

The minor variance application was circulated to Town divisions and applicable external agencies for review and comment. The following is a list of those who were circulated and the comments provided:

Planning Division

a) The proposed variance meets the general intent of the Official Plan

The proposed new dwelling will be constructed mainly on the portion of the property designated as 'Suburban Residential' where detached dwellings are permitted.

Although two other areas of the property are also designated 'Private Parkland' as well, staff notes that Section 15.1.1 b) of the Town's Official Plan states the following:

Amendments to this Plan will not be required to permit minor adjustments to identified land use boundaries or to the conceptual locations of roads, trails and pathways provided that the general intent of this Plan is maintained.

Taking into consideration that the new dwelling is proposed to be developed primarily on the area of the property designated 'Suburban Residential' and that the dwelling would be in keeping with the surrounding context and character of the existing neighbourhood, the general intent of the Official Plan will be maintained.

As such, staff are of the opinion that this variance meets the general intent of the Official Plan.

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

The purpose of the side yard setback by-law requirement is to ensure that adequate separation is provided between buildings on abutting properties. The property located west of the subject lands at 193 Kennedy Street West, contains a two-storey single-detached dwelling and is setback approximately 12.9 m (42 ft) from the interior side yard property line to the east, which is shared with 183 Kennedy Street West.

The dwelling located at 193 Kennedy Street West, also has a front yard setback of 42.8 m (141 ft) while the newly proposed dwelling at 183 Kennedy Street West will have a front yard setback of 24.06 (79.0 ft).

Based on this configuration, the two dwellings will not be located within close proximity to one another. As such, no conflicts as it relates to achieving adequate separation between buildings will exist.

Staff are therefore of the opinion that the requested variance will provide a sufficient separation distance between buildings on abutting properties, as the by-law intends.

Planning Staff are of the opinion that the proposed minor variance maintains the general intent and purpose of the Zoning By-law.

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

The newly proposed dwelling will share a mutual property line with the property at 193 Kennedy Street West. As noted, no conflicts are anticipated from a building separation standpoint due to the location of each dwelling and lot configuration of each property.

Staff have no concerns regarding the scale, height and location of the dwelling given the generous front yard setback of 24.06 m (79.0 ft). No negative impacts from a privacy standpoint are anticipated by staff. In addition to this, staff are also of the opinion that an adequate side yard setback will be provided for purposes of access to the rear yard for maintenance within the side yard.

The property is also located within the York Greenlands System and is within the minimum vegetation protection zone of a key hydrological feature (Tannery Creek). The LSRCA however has no concerns with the proposed location of the new dwelling as the dwelling will not be constructed within a floodplain and will have no negative impact on the Greenlands System or Tannery Creek.

Based on the above, staff are of the opinion that the newly proposed detached dwelling and requested variance is compatible with the surrounding area and represents appropriate development of the property.

d) The variance is considered minor in nature

Staff notes that Minor Variances are intended to accommodate development where unique site characteristics and constraints exist. Staff acknowledge that the location of the dwelling has been proposed to ensure that the dwelling will not be located within any areas onsite which form part of a floodplain.

Through the review of this application, staff also advise that all other applicable by-law requirements are still being met and no other variances are required.

Staff are of the opinion that no negative impacts are anticipated to result from the proposed new dwelling and the requested side yard setback.

As such, the subject variance is considered by staff to be minor in nature.

Department and Agency Comments

Department / Agency	Comments Provided
Engineering Services	<p>We have reviewed the above noted application and have no concern with its approval subject to the following:</p> <ol style="list-style-type: none">1. The existing drainage pattern shall be maintained2. Any changes due to site grading works shall not cause any adverse impacts on the neighbouring properties.
Building Division	<p>Preliminary Zoning Review conducted. No comments provided specifically on the application at the time of writing this report.</p>
Operational Services - Parks Division	<p>We have reviewed the documentation for the property associated with the above noted application and provide the following recommended conditions in the event the application is approved.</p> <p>There are trees situated on the subject property and/or property line 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. Furthermore, it may be necessary to remove some trees for the proposed construction.</p> <p>In view of the above staff recommend that the Committee impose, the following conditions in the event that this application is approved.</p> <ul style="list-style-type: none">• 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

	<p>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.</p> <ul style="list-style-type: none"> • 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
Accessibility Advisor	Reviewed the application and has no objection.
Central York Fire Services	No comments received at the time of writing of this report.
Lake Simcoe Region Conservation Authority	<p>Based upon our review of the submitted information in support of the application, it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial and Regional plans. As such, we recommend that any approval of this application for consent be subject to the following conditions:</p> <ul style="list-style-type: none"> a. That the Owner shall pay all development fees to the LSRCA in accordance with the approved Fees Policy under the <i>Conservation Authorities Act</i> (Note: Under the 2019 LSRCA Fee Policy, the amount is \$500.00)

	<p>b. That the Owner shall obtain a permit under the Ontario Regulation 179/06 prior to the proposed development and site alteration taking place.</p> <p>Given the above comments, it is the opinion of the LSRCA that:</p> <ol style="list-style-type: none"> 1. The application can demonstrate consistency with Section 3.1 of the Provincial Policy Statement. 2. Ontario Regulation 179/06 does apply to the proposed development. A permit from the Lake Simcoe Region Conservation Authority will be required prior to any development taking place.
Legal Services	No comments received 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 noted minor variance and has no comment.
Alectra Utilities	Reviewed the application and has 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.

4. 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 conditions of approval. Please refer to Appendix 'A' for recommended conditions of approval for the requested variance.

5. ATTACHMENTS

Appendix 'A' – Recommended Conditions of Approval

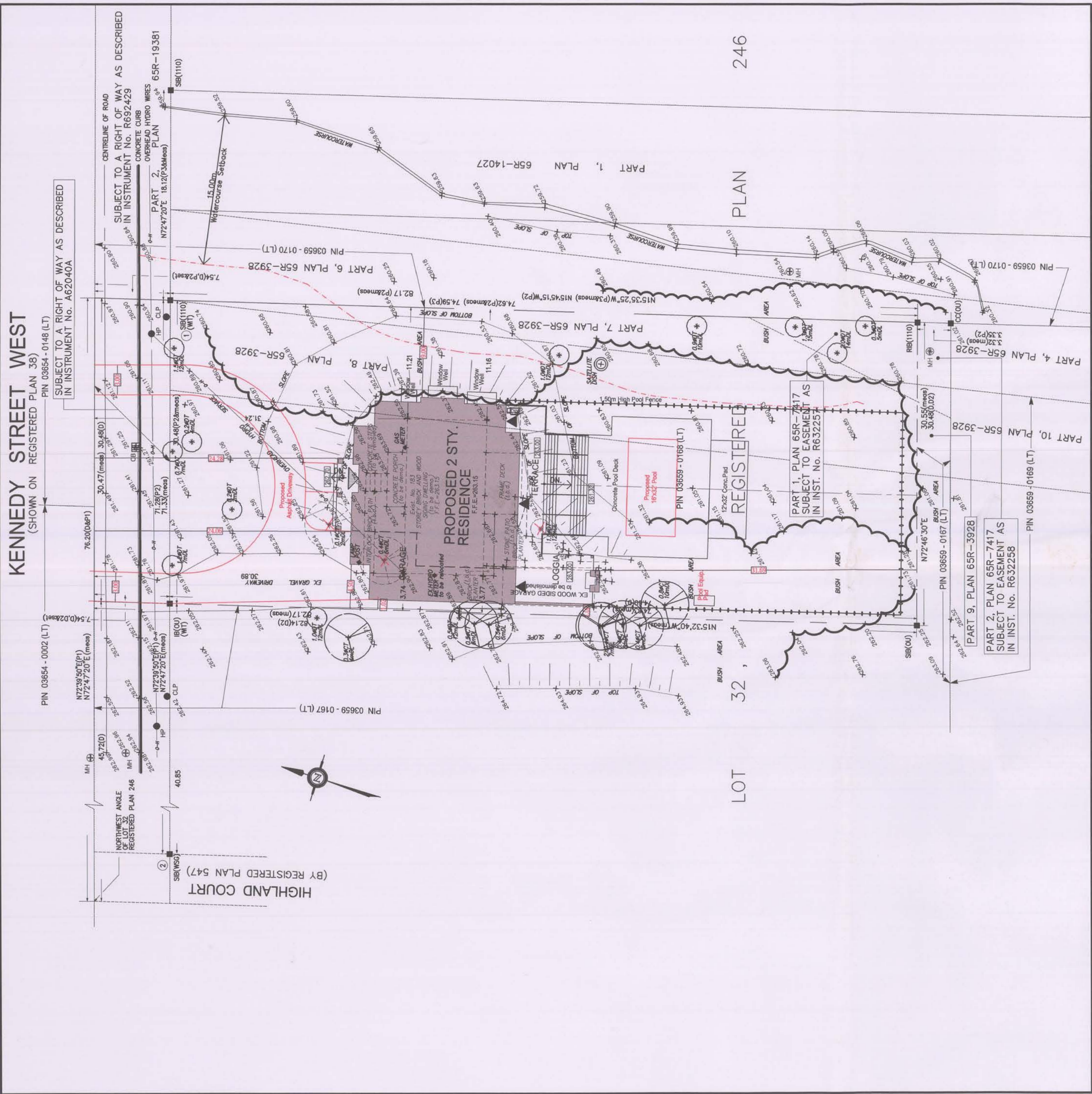
Appendix 'B' – Site Plan

Appendix 'A' – Recommended Condition of Approval

The following conditions are required to be satisfied should application MV-2020-21 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, received by the Town of Aurora and dated September 10th, 2020, to the satisfaction of the Director of Planning and Development Services or designate.
2. The owner shall provide a grading and drainage plan prepared by a Professional Engineer to demonstrate that the existing drainage pattern has been maintained, to the satisfaction of the Director of Planning and Development Services or designate. Any changes due to site grading works shall not cause any adverse impacts on the neighbouring properties.
3. That the Owner shall pay all development fees to the LSRCA in accordance with the approved Fees Policy under the *Conservation Authorities Act* (Note: Under the 2019 LSRCA Fee Policy, the amount is \$500.00)
4. That the Owner shall obtain a permit under the Ontario Regulation 179/06 prior to the proposed development and site alteration taking place.
5. 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.
 - a. 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.

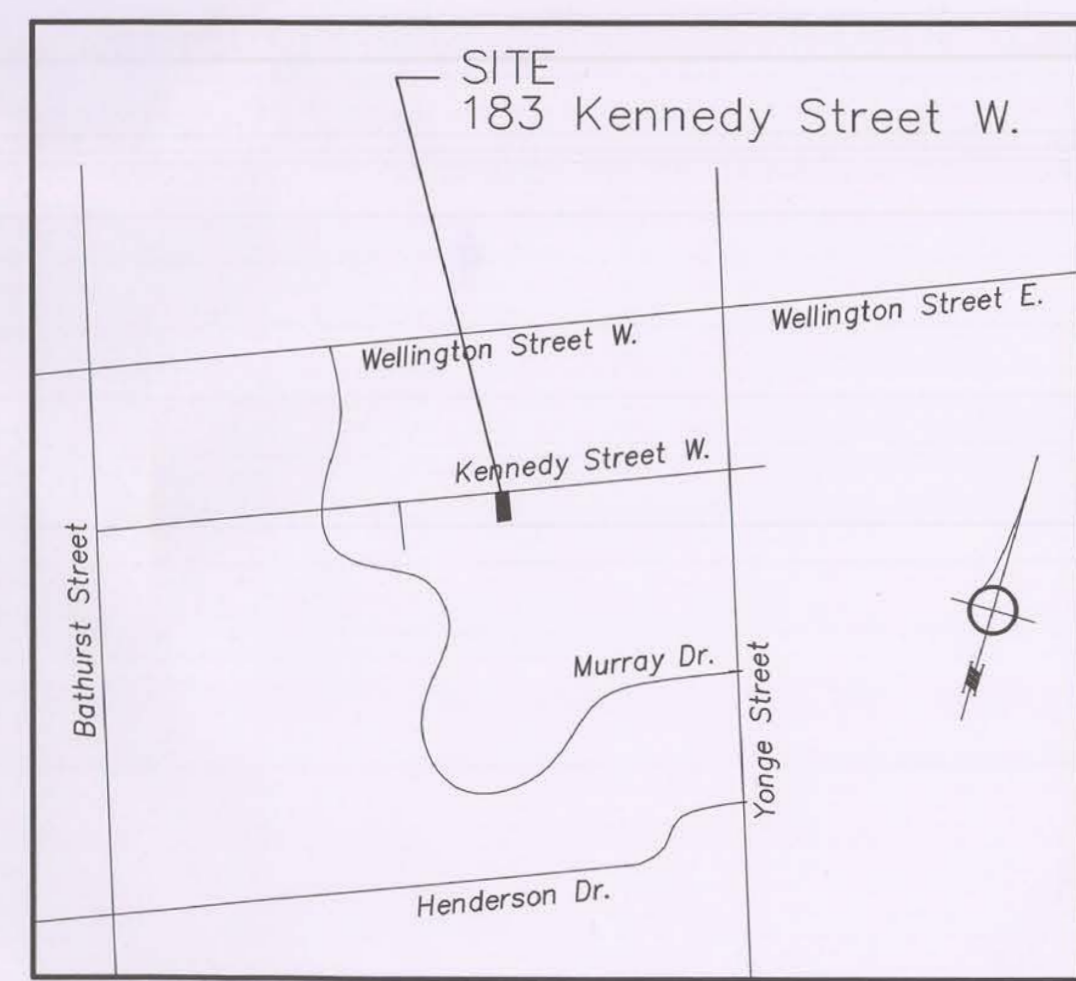
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6. The owner may be required to provide vegetation compensation and a replanting plan in accordance with the Town of Aurora TREE REMOVAL/PRUNING AND COMPENSATION POLICY to the satisfaction of the Director of Operational Services as compensation for trees removed to facilitate construction. Compensation planting shall be completed prior to release of the financial securities.
 7. 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.
 8. 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.
 9. The above conditions 5-8 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.



SITE STATISTICS

	METRIC	IMPERIAL
TOTAL LOT AREA	2,504.36 SQ.M.	26,957.59 sq.ft.
LOT FRONTAGE	30.47m	99.97 FT.
PROP. GROUND FLOOR AREA	240.22 m ²	2,585.83 sq.ft.
PROP. GARAGE AREA	75.41 m ²	811.69 sq.ft.
PROP. COVERED PORCH AREA	62.48 m ²	672.60 sq.ft.
PROPOSED G.F.A.	378.11 m ²	4,070.12 sq.ft.
PROPOSED BUILDING COVERAGE	378.11 m ²	4,070.12sq.ft.(15.1%)
ALLOWABLE BUILDING COVERAGE	876.53 m ²	9,435.16sq.ft.(35.0%)
BUILDING HEIGHT	9.36 m	30'-8 3/8"
ALLOWABLE BUILDING HEIGHT(MAX.)	10.00 m	32'-9 3/4"
CURRENT ZONING	R-1(7)	

2 SITE SUMMARY
A2.0 SCALE: N.T.S.



Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the architect prior to proceeding with any of the work.



SITE ACCREDITATION:

PART OF
LOT 32
REGISTERED PLAN 246
TOWN OF AURORA
REGIONAL MUNICIPALITY OF YORK
INFORMATION TAKEN FROM A SURVEY PREPARED BY:
DELPH & JENKINS NORTH LTD.
ONTARIO LAND SURVEYOR
JUNE 8, 2020

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY
0.3048.

SITE LEGEND:	
[Symbol]	PROPERTY LINE
[Symbol]	EXISTING GRADE
[Symbol]	FINISHED GRADE
[Symbol]	F.F.E. FINISHED FLOOR ELEVATION
[Symbol]	F.B.E. FINISHED BASEMENT ELEVATION
[Symbol]	F.D.E. FINISHED DECK ELEVATION
[Symbol]	MAIN ENTRANCE
[Symbol]	SECONDARY ENTRANCE
[Symbol]	PROPOSED ADDITION AREA
[Symbol]	TREE HOARDING
[Symbol]	EXISTING TREE TO REMAIN
[Symbol]	EXISTING TREE TO BE REMOVED

4	09.10.20	ISSUED FOR ZONING CERTIFICATE
3	09.08.20	ISSUED FOR REVIEW
2	09.03.20	INCREASED GARAGE WIDTH
1	09.01.20	ISSUED FOR REVIEW
REF.	DATE:	DESCRIPTION:



CLIENT:
**PROPOSED
DHAM RESIDENCE**

ADDRESS: 183 KENNEDY STREET WEST
CITY: AURORA, ONTARIO
DRAWING TITLE:
**PROPOSED
SITE PLAN**

DRAWN: D.D.	SCALE:
DATE: 08/25/20	AS NOTED
JOB NO.:	SHEET:
20-682	A2.0