



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

Town of Aurora
Committee of Adjustment Report
No. MV-2022-18

Subject: **Minor Variance Application**
Forhan
2 Hadley Court
PLAN 65M3049 LOT 87
File: MV-2022-18

Prepared by: Brashanthe Manoharan, Planner
Department: Planning and Development Services
Date: June 9, 2022

Application

The owner/applicant is requesting relief from the requirements of the Town's Comprehensive Zoning By-law 6000-17, as amended, to facilitate a widening of an existing driveway for a detached dwelling. The following relief is being requested:

- a) Section 5.6.1(a)(ii) of the Zoning By-law allows a maximum driveway width of 6.0m if the lot frontage is greater or equal to 9.0m and less than 18.0m. The applicant is proposing a driveway width of 8.5m.

Background

Subject Property and Area Context

The subject property, municipally known as 2 Hadley Court, is located on the west side of Hadley Court, west of Bayview Avenue and north of St. John's Sideroad.

The subject property has a lot area of approximately 569.12m² (6,126 ft²) and a lot frontage of approximately 15.2m (49.86ft).

The subject property currently contains a two-storey detached dwelling that has an approximate gross floor area of 176.51m² (1,900ft²). There is also vegetation on the property, a tree in the front yard.

The surrounding area is an established residential neighbourhood that is generally characterized by two-storey detached dwellings.

Proposal

The applicant is requesting a variance to accommodate a widening of the existing driveway, which would increase the width at the street line from 6.5m (21.3 ft) to 8.5m (27.8 ft).

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 R4(194)(*Detached Fourth Density Residential Exception Zone*) by Zoning By-law 6000-17, as amended, which permits single detached dwellings.

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:

"Our family has lived in aurora our whole life and now that they are older and all drive their own cars and all are working. With the 5 of us living here we would love to have a little more room to park and to keep our cars off the road where we currently park often.

We find ourselves parking on the grass at times to keep all our cars off the road as we have had a few people hit our vehicles on the road which has left us with a pricey repair several times. So it would be nice to not park on the grass as it looks very bad afterward."

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2022-15 pursuant to the prescribed tests as set out in Section 45 (1) of the Planning Act, as follows:

a) The proposed variances meet the general intent of the Official Plan

The subject property is located within a residential neighbourhood that was developed prior to the passing of Zoning By-law 6000-17, as amended. The existing driveway width at the street line is 6.5m (21.3 ft). The existing driveway includes an asphalt portion and a soldier stone portion, which further extends approximately 2.1m (6.8ft) on the northern side to accommodate a walkway to the front door. It is the opinion of staff that the additional 2.0m (6.5ft) extension of the existing driveway will create no adverse impact on the streetscape and is in keeping with the established character of the neighbourhood and therefore meets the general intent of the Official Plan.

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

The subject property has a sufficient lot frontage and front yard that can accommodate the requested driveway width without compromising the area for soft landscaping in the front yard nor the parking requirements for a single detached dwelling. Additionally, the driveway contributes to an attractive streetscape that is generally consistent with the existing neighbourhood character. Staff are of the opinion that the requested variance meets the general intent of the Zoning By-law.

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

The requested variance maintains the functionality of the garage, availability of parking spaces on the driveway, and will continue to maintain an attractive streetscape. Additionally, the application form cites that the additional driveway space will address safety issues associated with parking on the street.

There is a municipal tree situated on the subject property adjacent to the existing driveway that is not proposed to be removed at this time. The Parks Division has identified that the tree will be impacted by excavation or disturbance due to construction. Although its removal/relocation is not proposed at this time, should the tree be removed or relocated, the owner will be required to provide the Town with compensation for the removal and/or replanting of the tree on the municipal boulevard in accordance with Town policy.

As such, Staff are of the opinion that the requested variance is considered desirable for the appropriate development of the property.

d) The proposed variances are considered minor in nature

The proposed driveway width is in keeping with the established character of the neighbourhood and will not negatively impact the attractiveness of the street. The requested variance does not negatively impact adjacent properties

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 May 9, 2022.
Engineering Division	<p>We have reviewed the subject minor variance application and have no objection to this provided that the Owner enter into a Memorandum of Understanding and agrees to assume the responsibility of maintaining the existing water valve and underground water service line coming within driveway widening as below:</p> <ol style="list-style-type: none">1. That the Owner shall always maintain the water valve in workable/operating condition; and2. That the Owner shall be responsible for any future repairing/replacing of the water valve and water service line as per Town's standards and specifications. <p>(e-mail dated May 30, 2022).</p>
Operational Services (Parks)	We have reviewed the documentation for the property associated with the above noted application.

Department or Agency	Comments
	<p>There is a municipal tree situated on the subject property adjacent to the existing driveway that is proposed for widening. The tree will be impacted by excavation or disturbance due to construction. This may result in irreparable damage to the root systems and tree will require removal to accommodate the driveway widening.</p> <p>In view of the above, staff recommend that the Committee impose the following conditions if this application is approved (please refer to Recommended Condition of Approval #3).</p> <p>(Letter dated May 30, 2022).</p>
Central York Fire Services	No comments received at the time of writing the report.
York Region	York Region has no comments on the application (e-mail dated May 20, 2022).
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 May 27, 2022).
Alectra	No objections to its approval (Letter dated May 18, 2022).

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 variance subject to the conditions outlined in Appendix 'A'.

Attachments

Appendix 'A' – Recommended Conditions of Approval

Appendix 'B' – Site Plan

Appendix 'A' – Conditions of Approval

The following conditions are required to be satisfied should application MV-2022-18 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 May 9, 2022, with respect to the location and configuration of the driveway, to the satisfaction of the Director of Planning and Development Services.
3. That the owner enter into a Memorandum of Understanding (MOU) to the satisfaction of the Director of Planning and Development Services or designate, and agrees to assume the responsibility of maintaining the existing water valve and underground water service line coming within driveway widening.
 - That the Owner shall always maintain the water valve in workable/operating condition; and
 - That the Owner shall be responsible for any future repairing/replacing of the water valve and water service line as per Town's standards and specifications.
3. That the owner will be required to provide the Town with compensation for the removal and replanting of the tree on the municipal boulevard in accordance with 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.