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Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2022-17

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**Subject:**                    **Minor Variance Application**  
Martin  
19 Lensmith Drive  
PLAN 65M-2786 LOT 14  
File: MV-2022-17

**Prepared by:**            Rosanna Punit, Planner  
**Department:**          Planning and Development Services  
**Date:**                    June 9, 2022

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## 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 rear sunroom addition. The following relief is being requested:

- a) Section 7.2 of the Zoning By-law requires a minimum rear yard setback of 7.5m for Zone R3, unless stated otherwise in the exception zone.  
The applicant is proposing a two storey sunroom addition, which is 5.3m to the rear property line.
  
- b) Section 24.84.1.3 of the Zoning By-law allows maximum 35.0% lot coverage for two storeys.  
The applicant is proposing 36.4% lot coverage with the addition.

## Background

### Subject Property and Area Context

The subject property is municipally known as 19 Lensmith Drive, is located north of Kennedy Street West, west of Murray Drive, south of Wellington Street West and east of Bathurst Street. The property is located on the east side of Lensmith Drive and is two storeys and has a frontage of approximately 14m (45ft) and lot area of 0.0486 ha (0.120 ac) . The dwelling has an above ground basement located at the rear, due to the grade

change from the front to the rear of the property. There are some mature vegetation located at the front of the property. The cedar hedge that is located at the rear of the property, and appears to be within the abutting property line of 254 Kennedy Street West.

### **Proposal**

The applicant is proposing a two-storey rear sunroom addition to the existing dwelling. The first storey of the sunroom addition is proposed to be approximately 307.68 sq. ft (29m<sup>2</sup>), the basement floor sunroom addition area is proposed to be approximately 184.95 sq ft (17m<sup>2</sup>).

### **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(84)" (Detached Third Density Residential Exception 84 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, "the proposed application is to build a covered deck off the rear of the house and enclose it with screen walls. The proposed will be unheated, unconditioned space. The proposed exceeds the required setback for an addition, but less than the setback for a deck, it is our opinion that the proposed structure is closer to a deck than an addition".

## Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2022-17 pursuant to the prescribed tests as set out in Section 45(1) of the Planning Act, as follows:

**a) The proposed variances meets the general intent of the Official Plan**

The intent of the Official Plan is to ensure dwellings enhance overtime, and protect from incompatible forms of development. Staff are of the opinion that the requested variances meet the intent of the Official Plan.

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

The sunroom addition requires a rear yard setback variance of 5.3m (17 ft) whereas the By-law requires 7.5m (25 ft). The intent of the rear yard setback is to ensure adequate outdoor amenity area within the rear yard. Staff are satisfied that the rear yard setback will not have any adverse impact on the existing neighbourhood.

The intent of the coverage provision is to ensure properties have adequate outdoor open space area. The requested coverage of 36.4% whereas the By-law requires 35%, is minimal and still provides for open area on the subject lands.

Staff are of the opinion that the requested variances meet the general intent of the Zoning By-law and does not change the overall character of the existing neighbourhood.

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

Staff are of the opinion that rear yard setback of 5.3m will not have any adverse impact on the existing neighbourhood. The existing rear cedar hedge that abuts the property provides for screening of the abutting property (254 Kennedy Road West).

The requested coverage of 36.4% in Staffs opinion is desirable for the dwelling, having minimal impact to the existing character of the neighbourhood.

Staff are of the opinion that the requested variances are desirable and appropriate for the development of the property.

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

The proposed second and first storey additions are considered moderate in scale and are not anticipated to result in any negative impacts to surrounding properties or the neighbourhood. 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 April 29, 2022
Engineering Division	Comments provided stating no comments with proposed application (Dated: May 24, 2022)
Operational Services (Parks)	<p>Comments provided stating:</p> <ul style="list-style-type: none"><li>• <i>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.</i></li><li>• <i>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.</i></li><li>• <i>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</i></li></ul>

Department or Agency	Comments
	<p><i>planting shall be completed prior to release of the financial securities.</i></p> <ul style="list-style-type: none"> <li><i>• 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.</i></li> <li><i>• 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.</i></li> <li><i>• 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</i></li> </ul>
Operational Services (Public Works)	No comments received at the time of writing this report.
Central York Fire Services	No comments received at the time of writing this report.
York Region	Comments provided stating no comments with proposed application (dated May 20, 2022)
LSRCA	Not commenting on application as it is located outside the area governed by O. Reg. 179/06 under the Conservation Authorities Act (dated May 27, 2022).
Alectra	Comments provided stating: "We have reviewed the proposed variance application and have no objections to its approval, subject to the following comments: 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

Department or Agency	Comments
	<p>applicable standards, codes and acts referenced. 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 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" (Dated: May 18, 2022).</p>

## 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 meets the four tests of Section 45(1) 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

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

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, to the satisfaction of the Director of Planning and Development Services or designate;
2.
  - a) 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.
  - b) 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.
  - c) 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.
  - d) 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.
  - e) 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.
  - f) 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