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Town of Aurora
Committee of Adjustment Report
No. MV-2022-20

Subject: **Minor Variance Application**
Stangl
141 Kennedy Road
Part of Lot 33, Registered Plan 246
MV-2022-20
Related Planning Applications: n/a

Prepared by: **Rosanna Punit, Planner**

Department: Planning and Development Services

Date: July 14, 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 garage addition and driveway width increase. The following relief is being requested:

- a) Section 7.2 of the Zoning By-law requires a minimum interior side yard of 4.5 metres. The applicant is proposing a garage addition, which is 1.9 metres to the interior side property line; and
- b) Section 5.6.1(a)(iii) of the Zoning By-law allows a maximum driveway width of 10.0 metres if the lot frontage is 18.0 metres or greater, with the exception that the maximum driveway at the street line shall not exceed 6.0 metres. The applicant is proposing a driveway width of 18.0 metres.

Background

Subject Property and Area Context

The subject lands are located west of Yonge Street and east of Bathurst Street. The subject property is located on the south side of Kennedy Street West. The subject property has a shared laneway access from Kennedy Street West with the abutting property (145 Kennedy Street West). There are a number of mature trees and

vegetation on the subject lands. The subject property is setback from Kennedy Street West and not visible from the street.

Proposal

The requested variances relate to the driveway widening and a garage addition to the existing dwelling. The driveway extension is specifically located within the property, no changes are being made to the driveway width at the street line (Refer to Appendix B – Site Plan).

Official Plan

The subject property is designated “Suburban Residential” by the Town of Aurora’s Official Plan, which seeks to ensure that estate residential areas shall be limited to detached dwellings, an accessory dwelling and compatible home occupations. The designation intent is to ensure low density residential uses.

Zoning

The subject property is zoned “R1” (Detached First Density Residential 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,

“Setback: The adoption of Zoning By-law #6000-17 created a non-conforming situation of the east side setback (the existing building does not meet the 4.5M required setback). Additionally, the east wall of the house was not originally built parallel to the east property line enhancing this.

Width of Driveway: A review of the survey reveals the drive is in fact only 12.99’ wide for the first 277’. With restricted parking on Kennedy West the owners require parking for guests as well as space to maneuver vehicles. The visual impact of the space in question is negligible from all surrounding properties and is impossible to see from anywhere on Kennedy West”.

Planning Comments

Planning Staff have evaluated Minor Variance Application MV-2022-20 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 have maintain low density development. Given that no additional density is being added to the site, staff are of the opinion that the requested variances meet the intent of the Official Plan.

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

The intent of the interior side yard setback provision is to ensure that appropriate and adequate spacing between buildings is provided for privacy, landscaping, access, and drainage. The proposed garage addition requires an interior (east) side yard setback of approximately 1.9m (6.2 ft) at the closest point. The current setback within the interior side yard setback at the closest point is approximately 3.6m (11.8 ft) on the east side. There is heavy vegetation along the east side of the property, which provides for screening to the neighbouring property on Dodie Street. Engineering staff have requested conditions relating to drainage, and have been included as conditions, should the application be approved. Staff are of the opinion that the requested variance meets the intent of the Zoning By-law given the buffer of vegetation from the abutting property and with engineering imposed conditions relating to drainage.

The proposed driveway extension is to facilitate accessibility in and out of the subject property. There are three mature trees within the location of the proposed driveway extension. The Parks Department have provided conditions relating to trees on the property, should the application be approved. Staff have reviewed the driveway extension and are of the opinion that the current driveway are narrow with an approximate width of 3.6m (12 ft), making it difficult to exit the property in a vehicle. The expanded driveway area would allow for maneuverability of vehicles. Vehicles would be able to exit the property using the expanded driveway width, instead of reversing out of the property onto Kennedy Steet West. Staff are of the opinion that the requested variance meets the intent of the Zoning By-law.

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

The subject interior side yard setback and driveway width increase do not adversely affect the overall streetscape of the neighbourhood. The side yard setback variance and driveway extension are located within the interior of the property, and are screened

with mature vegetation. Staff are of the opinion that the requested variances are desirable and appropriate development of the land.

d) The proposed variance is considered minor in nature

Staff are of the opinion that the requested variances are minor in nature and provide for easier maneuverability of vehicles in and out of the property.

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 19, 2022.
Engineering Division	Comments provided stating, no objections to it, provided that the applicant shall provide a site grading and drainage plan prepared by a Professional Engineer or Qualified Engineering Professional demonstrating that the drainage pattern at site has been maintained and the structure and any associated grading work completed at site shall not cause any adverse impacts on the drainage to the adjacent properties. The said grading and drainage plan shall be submitted for review and approval during the building permit application process (Letter dated June 17, 2022)
Operational Services (Parks)	Comments provided stating: <ul style="list-style-type: none">• <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>

Department or Agency	Comments
	<ul style="list-style-type: none"> <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> <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 planting shall be completed prior to release of the financial securities.</i> <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> <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> <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> <p>(Letter dated June 29, 2022)</p>
Operational Services (Public Works)	No comments received at the time of writing this report.
Central York Fire Services	Comments provided stating no comments/concerns with proposed application (Dated: June 29, 2022)

Department or Agency	Comments
York Region	No comments received at the time of writing this report.
LSRCA	No comments, not regulated by the LSRCA under O.R. 179/06
Alectra	<p>Comments provided stating no objections to the 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.</p> <p>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 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: June 21, 2022)</p>

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 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
- 3) That the applicant shall provide a site grading and drainage plan prepared by a Professional Engineer or Qualified Engineering Professional demonstrating that the drainage pattern at site has been maintained and the structure and any associated grading work completed at site shall not cause any adverse impacts on the drainage to the adjacent properties. The said grading and drainage plan

shall be submitted for review and approval during the building permit application process