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Town of Aurora  
**Committee of Adjustment Report**  
No. MV-2022-22

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**Subject:**                    **Minor Variance Application**  
Norouzpour  
81 Child Drive  
Lot 385, Plan 514  
MV-2022-22  
Related Planning Applications: SPR-2022-06

**Prepared by:**            Rosanna Punit, Planner

**Department:**           Planning and Development Services

**Date:**                     July 14, 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 new 2 storey dwelling. The following relief is being requested:

- a) Section 24.497.3.2 of the Zoning By-law requires a minimum interior side yard setback of 3.0 metres (10 ft) beyond the main rear wall of the adjacent dwelling. The applicant is proposing a two-storey detached dwelling, which is 1.8 (6 ft) metres to the interior side property line.

## **Background**

### **Subject Property and Area Context**

The subject property is located north of Henderson Drive, west of Yonge Street and east of Bathurst Street. The current dwelling is a one storey dwelling with attached car port. The subject property has a lot area is approximately 697m<sup>2</sup> (7500 sq. ft.) and a lot frontage of approximately 15m (50 ft). There are trees located in the rear of the property. A hedge is located on the west side of the property abutting 83 Child Drive.

**Proposal**

The applicant is demolishing the existing dwelling, and proposing a new two storey dwelling on the subject lands with an approximate gross floor area of 367m<sup>2</sup> (3900 sq. ft.), The surrounding neighbourhood is in transition with one and two storey dwellings.

**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-SN (497)” (Detached Third Density Residential Exception 497 Zone) by Zoning By-law 6000-17, as amended, which permits single detached dwellings.

The proposed development is subject to Site Plan Approval as per By-law 6106-18, as amended. A Site Plan Application has been submitted to the Town and is currently under review

**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, “Oversized setbacks makes the house too narrow”.

**Planning Comments**

Planning Staff have evaluated Minor Variance Application MV- 2022-22 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 Regency Acres Neighbourhood is generally characterized by one to two storey dwellings. The Official Plan states that new development abutting existing residential development shall be sympathetic to the form and character of existing development with

regards to building scale and urban design. A Site Plan Application is currently under review by Planning staff where matters relating to site and building design, etc. will be addressed. Staff are of the opinion that the requested variance will facilitate the development of a new dwelling that is compatible with and generally in keeping with the low-density residential form and character of the neighbourhood.

It is the opinion of staff that the requested variance meets the general 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 interior side yard setback of 1.8m relates specifically to the extension of the proposed dwelling beyond the adjacent dwelling at 79 Child Drive. The current unenclosed carport has an approximate side setback of 0.6m (2 ft). The proposed new at dwelling at 81 Child Drive, would allow for a 1.8m side setback which, staff are of the opinion that provides increased privacy than what is currently on the property.

The new dwelling at 81 Child Drive extends approximately 3m (9.8 ft) from the adjacent dwelling (79 Child Drive), there are no windows or side entrances in this area, adding to privacy of the abutting property.

Staff are of the opinion that the requested variance meets the general intent of the Zoning By-law and has minimal impacts on the streetscape and privacy of the abutting neighbour.

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

Staff are of the opinion that the extension adequately provides for privacy of the abutting dwelling and still provides for a rear amenity area for the proposed dwelling. The neighbourhood is currently under transition with one and two storey dwellings. Staff consider the variance desirable for the appropriate development of the land.

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

The proposed dwelling is 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 variance is 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 June 7, 2022.
Engineering Division	Comments provided stating no comments (dated: June 30, 2022)
Operational Services (Parks)	<p>Comments provided stating:</p> <ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li><li>• The owner may be required to provide vegetation compensation and a replanting plan in accordance with the Town of Aurora</li></ul>

Department or Agency	Comments
	<p>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.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> </ul> <p>(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 (Dated: June 29, 2022)
York Region	Comments provided stating no comments (Dated: June 17, 2022)
Lake Simcoe Region Conservation Authority (LSRCA)	No comments, not regulated by the LSRCA under O.R. 179/06.
Alectra	<p>Comments provided stating, no objections to its approval, subject to the following comments:</p> <ul style="list-style-type: none"> <li>• Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance</li> </ul>

Department or Agency	Comments
	<p>Application. This review, however, does not imply any approval of the project or plan.</p> <ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li><li>• 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.</li></ul> <p>(Dated: June 21, 2022)</p>

### Public Correspondence

A written submission was received stating their opposition to the requested variance. 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.

**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 and Elevations

### **Appendix 'A' - Recommended Conditions of Approval**

1. That the owner obtains Stable Neighborhood Site Plan approval as per By-law 6106-18, as amended, 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