



100 John West Way  
 Box 1000  
 Aurora, Ontario  
 L4G 6J1  
 Phone: 905-727-3123 ext. 4223  
 Email: jleung@aurora.ca  
 www.aurora.ca

TOWN OF AURORA  
 Planning and Building Services

Committee of Adjustment

**NOTICE OF DECISION**

**FILE NUMBER:** MV-2017-27A-B  
**PROPERTY:** 5 Gilbert Drive  
**LEGAL DESCRIPTION:** Plan 65M2122 Pt Lot 5 and 6 RP65R28236 Parts 2 and 5  
**APPLICANT:** Khoshbin

**CONTACT:**

Additional information may be obtained from Justin Leung of the Planning and Building Services department at 905-727-3123 extension 4223, or emailed to jleung@aurora.ca. Please quote the file name and number.

If you have objections to this Notice of Decision, you may appeal to the Ontario Municipal Board for consideration. Your appeal, together with the reasons for the appeal and the \$125.00 fee (per Application) as required by the Ontario Municipal Board, can be made payable to the Minister of Finance in the form of a certified cheque or money order. An (A1) "Appellant Form" provided by the Board is now on their website at [www.omb.on.ca](http://www.omb.on.ca) and must be filed with the Secretary-treasurer, Committee of Adjustment at 100 John West Way, Box 1000 Aurora, Ontario, L4G 6J1, no later than 4:30 p.m. on or before **August 30, 2017**. Should this date fall on a holiday or weekend, you will have until 4:30pm of the next business day to file your appeal. Please note an additional fee (which can be found in the Fee By-law on our website, [www.aurora.ca](http://www.aurora.ca)), per Application, payable to the Town of Aurora is required with respect to Ontario Municipal Board appeal submissions.

In accordance with the *Planning Act*, only individuals, corporations and public bodies may appeal a by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice may be filed in the name of an individual who is a member of the association or the group on its behalf.

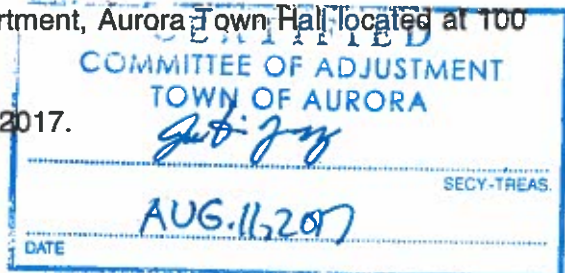
Should no appeal be filed within the applicable time period, this Notice of Decision, subject to any conditions imposed by the Committee of Adjustment, becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer. For your information, the lands, which are the subject of this Application, are not currently the subject of any other Application under the *Planning Act*, to our knowledge.

ADDITIONAL INFORMATION relating to this decision is available from the Committee of Adjustment staff, Planning and Building Services department, Aurora Town Hall, located at 100 John West Way.

DATED at the Town of Aurora, this 11<sup>th</sup> day of, August, 2017.

*Justin Leung*

Justin Leung  
 Secretary-Treasurer  
 Committee of Adjustment/Planning Technician





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**DECISION**

**FILE NUMBER:** MV-2017-27A  
**PROPERTY:** 5 Gilbert Drive  
**LEGAL DESCRIPTION:** Plan 65M2122 Pt Lot 5 and 6 RP65R28236 Parts 2 and 5  
**APPLICANT:** Khoshbin  
**DATE OF DECISION:** August 10, 2017

PURSUANT to Section 45(5) of the *Planning Act* with respect to the above noted Application the Committee of Adjustment ("Committee"), THAT:

It hereby ~~does~~ **does not** authorize the Minor Variance Application requesting relief from the Town of Aurora Zoning By-law 2213-78 as amended, respecting to allow increase in height for accessory structure.

The Committee has determined that the Application ~~is/is~~ **is not** a Minor Variance and that granting such relief ~~is/is~~ **is not** within the intent of the Official Plan and Zoning By-law. Further, the Committee has determined that the Application ~~is/is~~ **is not** desirable for the appropriate development or use of the land. Where the Minor Variance has been authorized, it is based on substantial conformity with the site plan drawings circulated by the Committee.

Where applicable, conditions are attached as Schedule "A" hereto. Where conditions are imposed, the granting of this Application is subject to and entirely conditional upon the fulfilment of all such conditions to the satisfaction of the Committee.

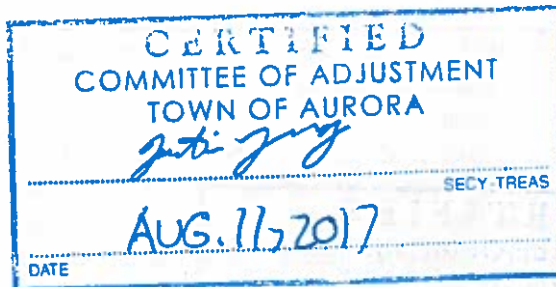
Concurring Members:

Grace Marsh, Chair

Tom Plamondon, Vice Chair

Roy Harrington

David Mhango



**REASONS FOR DECISION**

The Committee has based its decision on the legislative framework of the *Planning Act* and are in agreement with the comments provided by Planning and Building Services (attached herein); any additional rationale is noted below:

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*NOTE: Any and all written submissions relating to this Application that were made to the Committee of Adjustment before its Decision, and any and all oral submissions related to this Application that were made at a public meeting, held under the Planning Act, have been-taken into consideration by the Committee of Adjustment in its Decision on this matter.*

**CONDITIONS:**

1. SUBMISSION to the Secretary-Treasurer of written confirmation from the Director of Infrastructure and Environmental Services, or their designate, that the Applicant has satisfied all concerns below and as noted in the August 3, 2017 memo by Sabir Hussain, Municipal Engineer:
  - THAT site grading plan be provided demonstrating existing drainage pattern will be maintained and proposed site works will not cause any adverse impacts on neighbouring properties be submitted with building permit application.
  
2. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate Infrastructure and Environmental Services; that the Applicant has satisfied all concerns below and as noted in the August 7, 2017 memo by Sara Tienkamp, Acting Manager of Parks:
  - THAT the owner is 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 remaining vegetation, The report shall include a site plan showing the location of all trees and vegetation that will be impacted and or preserved both on or adjacent to the site. The report shall also include recommendations and an action plan on the mitigation of negative effects to preserved 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.
  - SHOULD it be determined by the Arborist /Forester that trees and vegetation warrants preservation and protection then 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

**CERTIFIED  
COMMITTEE OF ADJUSTMENT  
TOWN OF AURORA**

*Sabir Hussain*

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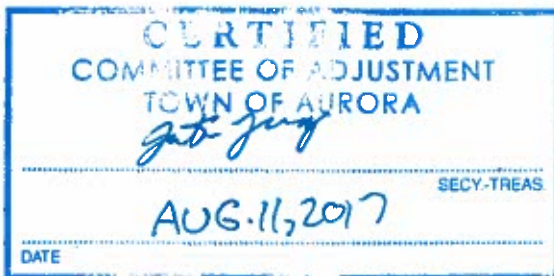
SECY-TREAS

AUG-11, 2017

DATE

each visit. The owner shall agree to provide copies of the Arborist / Foresters site visit reports to the Town following each visit

- 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.
  - THE owner will 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 Direction of Parks and Recreation 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.
  - 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. SUBMISSION to the Secretary-Treasurer of written confirmation from Lake Simcoe Region Conservation Authority, that the Applicant has satisfied all concerns below and as noted in the August 4, 2017 memo by Melinda Bessey, Development Planner:
- THAT the Owner shall pay the LSRCA Minor Variance Review Fee of \$500.
  - THAT the Owner shall demonstrate to the satisfaction of the LSRCA and the Town how the recharge will be maintained on site.
4. THAT the above noted conditions be satisfied within one year from the Notice of Decision, or the Variance may lapse requiring reapplication.







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**APPLICANT:** Khoshbin  
**DATE OF DECISION:** August 10, 2017

PURSUANT to Section 45(5) of the *Planning Act* with respect to the above noted Application the Committee of Adjustment ("Committee"), THAT:

It hereby ~~does~~ **does not** authorize the Minor Variance Application requesting relief from the Town of Aurora Zoning By-law 2213-78 as amended, respecting to allow increase in impervious surface area for property within Category 1 Landform Conservation Area.

The Committee has determined that the Application ~~is/is~~ **is not** a Minor Variance and that granting such relief ~~is/is~~ **is not** within the intent of the Official Plan and Zoning By-law. Further, the Committee ~~has~~ determined that the Application ~~is/is~~ **is not** desirable for the appropriate development or use of the land. Where the Minor Variance has been authorized, it is based on substantial conformity with the site plan drawings circulated by the Committee.

Where applicable, conditions are attached as Schedule "A" hereto. Where conditions are imposed, the granting of this Application is subject to and entirely conditional upon the fulfilment of all such conditions to the satisfaction of the Committee.

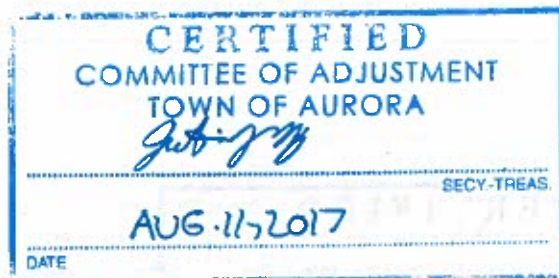
Concurring Members:

Grace Marsh, Chair

Tom Plamondon, Vice Chair

Roy Harrington

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## REASONS FOR DECISION

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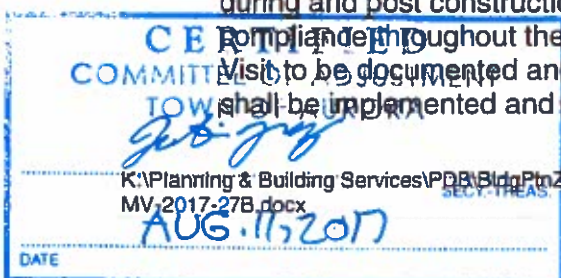
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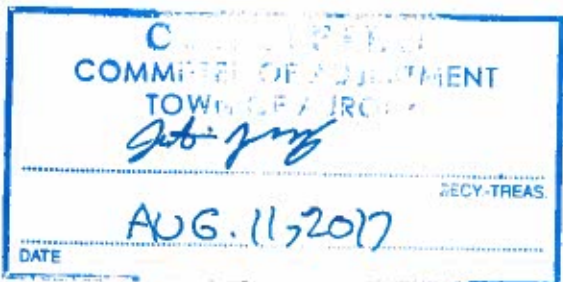
## CONDITIONS:

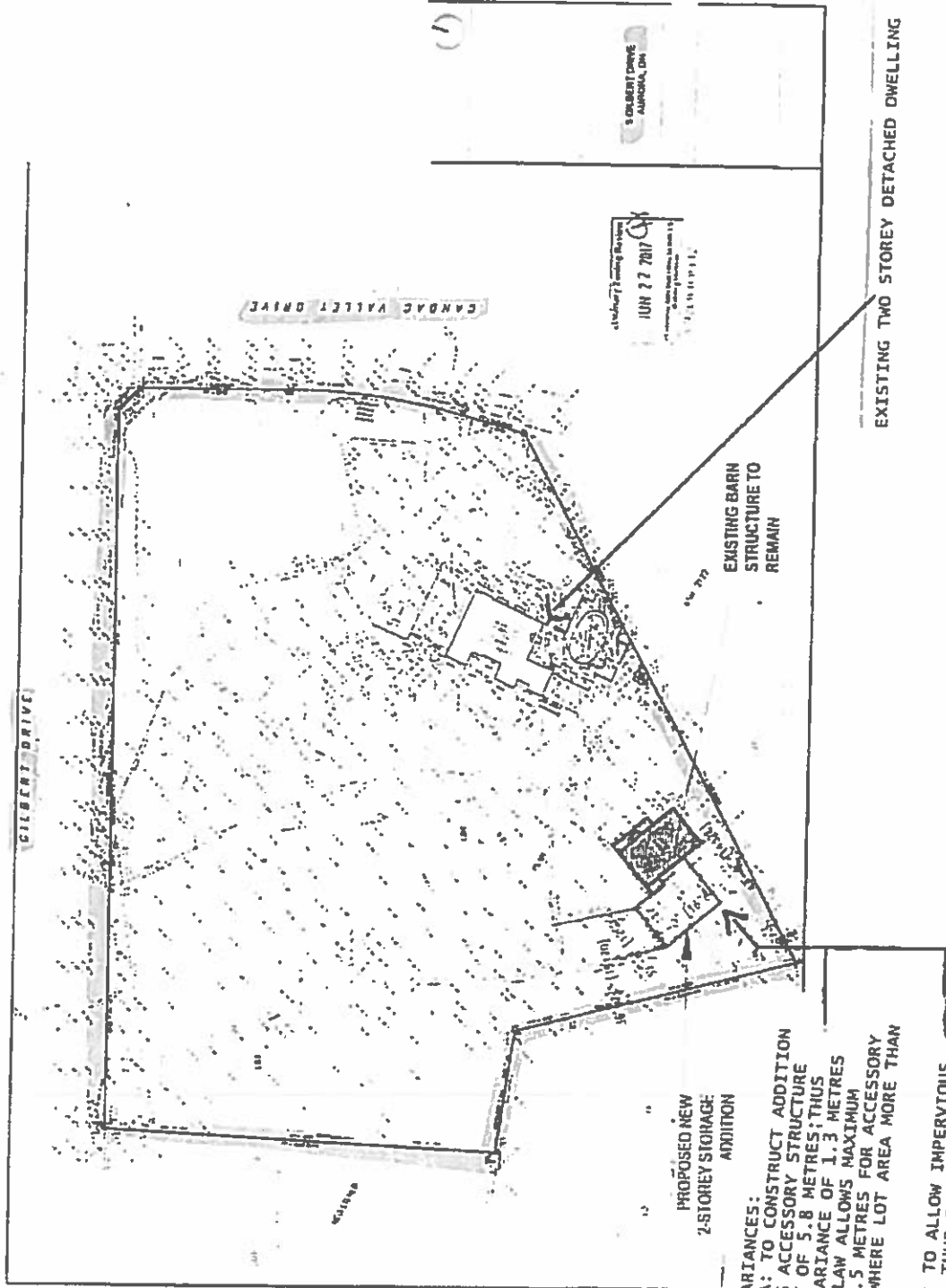
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each visit. The owner shall agree to provide copies of the Arborist / Foresters site visit reports to the Town following each visit

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PROPOSED NEW  
2-STORY STORAGE  
ADDITION

PROPOSED VARIANCES:  
MV-2017-27A: TO CONSTRUCT ADDITION TO EXISTING ACCESSORY STRUCTURE WITH HEIGHT OF 5.8 METRES; THUS REQUIRING VARIANCE OF 1.3 METRES (ZONING BY-LAW ALLOWS MAXIMUM HEIGHT OF 4.5 METRES FOR ACCESSORY STRUCTURE, WHERE LOT AREA MORE THAN 460 M<sup>2</sup>).

MV-2017-27B: TO ALLOW IMPERVIOUS AREA OF 20%; THUS REQUIRING VARIANCE OF 5% (ZONING BY-LAW STATES NET DEVELOPABLE AREA OF SITE WITH IMPERVIOUS SURFACES SHALL NOT EXCEED 15% OF TOTAL SITE AREA FOR AREA WITHIN CATEGORY 1 LANDFORM CONSERVATION AREA).

EXISTING BARN  
STRUCTURE TO  
REMAIN

EXISTING TWO STOREY DETACHED DWELLING

9 GILBERT DRIVE  
ALPHONSA, ON

1100 Highway 73  
JUN 27 2017  
MUNICIPAL