



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 Development Services

Committee of Adjustment

**NOTICE OF DECISION**

**FILE NUMBER:** MV-2017-38A-C  
**PROPERTY:** 54 Elderberry Trail  
**LEGAL DESCRIPTION:** Lot 2 Registered Plan M-42  
**APPLICANT:** Shen-Yang

**CONTACT:**

Additional information may be obtained from Justin Leung of the Planning and Development 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 **December 27, 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 Development Services department, Aurora Town Hall located at 100 John West Way.

DATED at the Town of Aurora, this 8<sup>th</sup> day of, December, 2017.

Justin Leung  
 Secretary-Treasurer  
 Committee of Adjustment/Planning Technician

COMMITTEE OF ADJUSTMENT  
 TOWN OF AURORA  
  
 DEC. 8, 2017



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TOWN OF AURORA  
 Planning and Development Services

Committee of Adjustment

**DECISION**

**FILE NUMBER:** MV-2017-38A  
**PROPERTY:** 54 Elderberry Trail  
**LEGAL DESCRIPTION:** Lot 2 Registered Plan M-42  
**APPLICANT:** Shen-Yang  
**DATE OF DECISION:** December 7, 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 development in Oak Ridges Moraine lands.

The Committee has determined that the Application is/is not a Minor Variance and that granting such relief is/is not within the intent of the Official Plan and Zoning By-law. Further, the Committee has determined that the Application 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

**ABSENT**

Tom Plamondon, Vice Chair

Roy Harrington

David Mhango

Hank Gosar

TOWN OF AURORA  
 COMMITTEE OF ADJUSTMENT  
 DEC. 8, 2017

## 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 Development Services (attached herein); any additional rationale is noted below:

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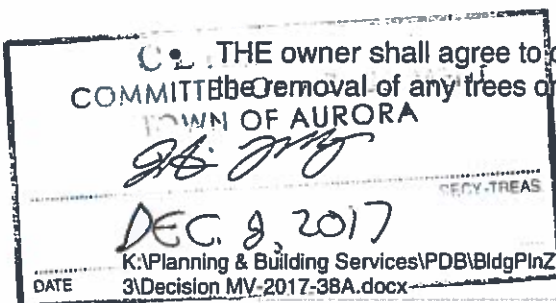
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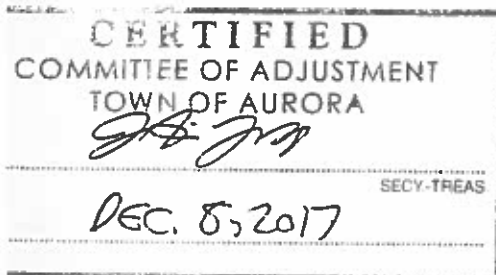
*NOTE: Any and all written submissions relating to this Application that were made to the Committee of Adjustment before its Decision, and any and all oral submissions related to this Application that were made at a public meeting, held under the Planning Act, have been taken into consideration by the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

## CONDITIONS:

1. SUBMISSION to the Secretary-Treasurer of written confirmation from Director of Parks, Recreation and Cultural Services, or their designate; that the Applicant has satisfied all concerns below and as noted in the November 30, 2017 memo by Sara Tienkamp, Acting Manager of Parks:
  - 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.
  - 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.
  - 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 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 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.
  - 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
2. 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 November 30, 2017 memo by Melinda Bessey, Development Planner:
- THAT all development fees (\$500) be paid to LSRCA in accordance with LSRCA Planning and Development Fees Policy (2017).
  - THAT owner demonstrate through building permit process that all downspouts are directed onto grassed areas to ensure groundwater recharge on site.
3. 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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TOWN OF AURORA  
 Planning and Development Services

Committee of Adjustment

**DECISION**

**FILE NUMBER:** MV-2017-38B  
**PROPERTY:** 54 Elderberry Trail  
**LEGAL DESCRIPTION:** Lot 2 Registered Plan M-42  
**APPLICANT:** Shen-Yang  
**DATE OF DECISION:** December 7, 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 development in Oak Ridges Moraine lands.

The Committee has determined that the Application is/is not a Minor Variance and that granting such relief is/is not within the intent of the Official Plan and Zoning By-law. Further, the Committee has determined that the Application 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

**ABSENT**

Tom Plamondon, Vice Chair

Roy Harrington

David Mhango

Hank Gosar

**CERTIFIED**  
 COMMITTEE OF ADJUSTMENT  
  
 DEC. 8, 2017  
 DATE

**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 Development 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 Director of Parks, Recreation and Cultural Services, or their designate; that the Applicant has satisfied all concerns below and as noted in the November 30, 2017 memo by Sara Tienkamp, Acting Manager of Parks:
  - 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.
  - 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.
  - 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 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.

COMMITTEE OF ADJUSTMENT  
TOWN OF AURORA  
*[Signature]*  
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- 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.
  - 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
2. 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 November 30, 2017 memo by Melinda Bessey, Development Planner:
- THAT all development fees (\$500) be paid to LSRCA in accordance with LSRCA Planning and Development Fees Policy (2017).
  - THAT owner demonstrate through building permit process that all downspouts are directed onto grassed areas to ensure groundwater recharge on site.
3. THAT the above noted conditions be satisfied within one year from the Notice of Decision, or the Variance may lapse requiring reapplication.

CERTIFIED  
COMMITTEE OF ADJUSTMENT  
TOWN OF AURORA  
*[Signature]*  
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DEC. 8, 2017  
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TOWN OF AURORA  
 Planning and Development Services

Committee of Adjustment

**DECISION**

**FILE NUMBER:** MV-2017-38C  
**PROPERTY:** 54 Elderberry Trail  
**LEGAL DESCRIPTION:** Lot 2 Registered Plan M-42  
**APPLICANT:** Shen-Yang  
**DATE OF DECISION:** December 7, 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 accessory structure building height.

The Committee has determined that the Application is/is not a Minor Variance and that granting such relief is/is not within the intent of the Official Plan and Zoning By-law. Further, the Committee has determined that the Application 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

**ABSENT**

Tom Plamondon, Vice Chair

Roy Harrington

David Mhango

Hank Gosar

**CERTIFIED**  
 COMMITTEE OF ADJUSTMENT  
 TOWN OF AURORA  
  
 SECY-TREAS.  
 DEC. 8, 2017  
 DATE



**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 Development Services (attached herein); any additional rationale is noted below:

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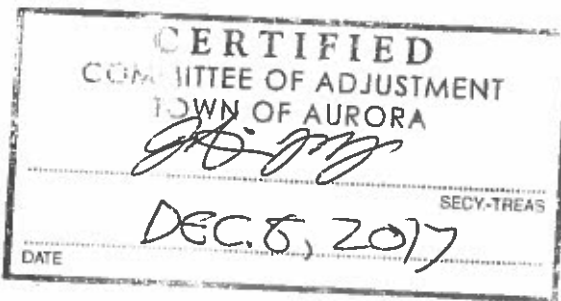
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**CONDITIONS:**

1. SUBMISSION to the Secretary-Treasurer of written confirmation from Director of Parks, Recreation and Cultural Services, or their designate; that the Applicant has satisfied all concerns below and as noted in the November 30, 2017 memo by Sara Tienkamp, Acting Manager of Parks:
  - 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.
  - 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.
  - 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 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.

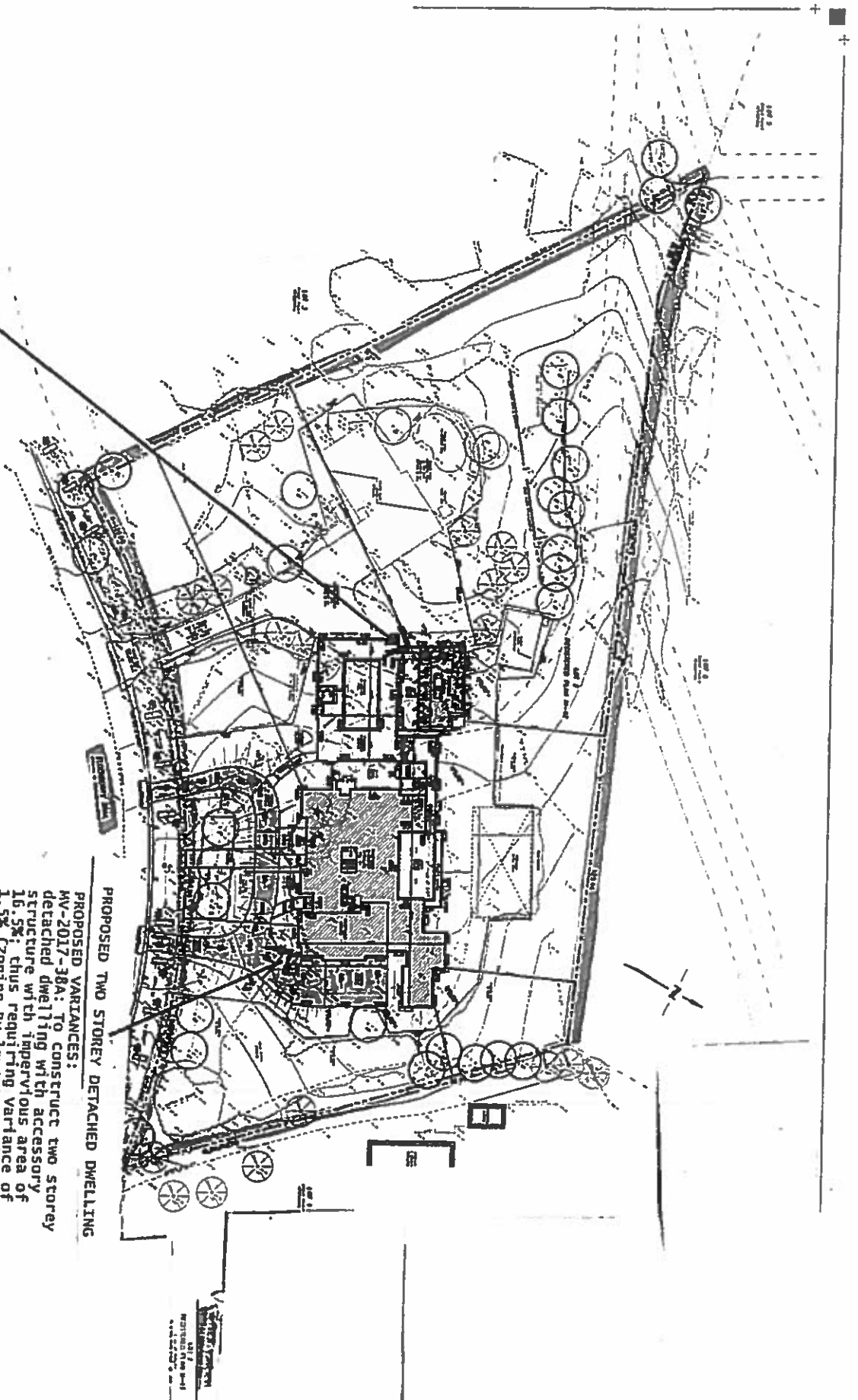
**COMMITTEE OF ADJUSTMENT**  
**TOWN OF AURORA**  
*[Signature]*  
**DEC. 8, 2017** SECRETARY-TREASURER  
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- THE owner shall agree to provide financial securities based on the total value of the Tree Compensation evaluation and all Arboriculture works as defined by the Town and the Owners Arborist/ Forester. To the satisfaction of the Director of Parks and Recreation.
  - 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
2. 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 November 30, 2017 memo by Melinda Bessey, Development Planner:
- THAT all development fees (\$500) be paid to LSRCA in accordance with LSRCA Planning and Development Fees Policy (2017).
  - THAT owner demonstrate through building permit process that all downspouts are directed onto grassed areas to ensure groundwater recharge on site.
3. THAT the above noted conditions be satisfied within one year from the Notice of Decision, or the Variance may lapse requiring reapplication.



MV-2017-38C: To construct accessory structure (Cabana) with height of 5.4 metres; thus requiring variance of 1.9 metres (Zoning By-law allows maximum height of 3.5 metres for accessory structure).

**PROPOSED ACCESSORY STRUCTURE (CABANA)**



**PROPOSED TWO STOREY DETACHED DWELLING**

**PROPOSED VARIANCES:**  
 MV-2017-38A: To construct two storey detached dwelling with accessory structure with impervious area of 16.5%; thus requiring variance of 1.5% (Zoning By-law states impervious surface not exceed 15.0% of site area within Category 1 Landform Conservation Area).

MV-2017-38B: To construct two storey detached dwelling with accessory structure with disturbed area of 31.3%; thus requiring variance of 6.3% (Zoning By-law states disturbed area not exceed 25.0% of site area within Category 1 Landform Conservation Area).