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Planning and Development Services  
Committee of Adjustment

## NOTICE OF DECISION

**FILE NUMBER:** MV-2018-11  
**PROPERTY:** 330 McClellan Way  
**LEGAL DESCRIPTION:** Plan 65M-2802 Block 2  
**APPLICANT:** Vello Holdings Limited  
**CONTACT:**

If you have objections to this Notice of Decision, you may appeal to the Local Planning Appeal Tribunal (the "Tribunal"). Your appeal, together with the reasons for the appeal and the **\$300.00** fee (per Application) as required by the Tribunal, are to be made payable to the Minister of Finance in the form of a certified cheque or money order. An A1 Appeal Form provided by the Tribunal is now on their website at <http://elto.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/> and must be filed with the Secretary Treasurer at 100 John West Way, Box 1000 Aurora, Ontario, L4G 6J1, no later than 4:30 p.m. on or before **May 30<sup>th</sup>, 2018**. (s.45 (12)). Should this date fall on a holiday or weekend, you will have until 4:30 p.m. of the next business day to file your appeal. Please note an additional fee of **\$592.00**, per Application, payable to the Town of Aurora is required with respect to appeal submissions.

In accordance with the *Planning Act*, the applicant, the minister, or any other person or public body that has an interest in the matter may appeal a minor variance decision to the Tribunal.

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 Acting 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.

Any inquiries should be directed to the undersigned, at 905-727-3123, extension 4350, Monday to Friday in Planning and Development Services, Aurora Town Hall, 100 John West Way, Aurora, Ontario, L4G 1J6.

DATED at the Town of Aurora, this 15th day of, May 2018.

Marty Rokos, MCIP, RPP  
Acting Secretary- Treasurer / Planner  
Committee of Adjustment



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TOWN OF AURORA  
Planning and Development Services

Committee of Adjustment

## DECISION

**FILE NUMBER:** MV-2018-11  
**PROPERTY:** 330 McClellan Way  
**LEGAL DESCRIPTION:** Plan 65M-2802 Block 2  
**APPLICANT:** Vello Holdings Limited  
**DATE OF DECISION:** May 10, 2018

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 6000-17 as amended, to allow a reduction to the minimum required landscaping strip abutting a residential zone.

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

Tom Plamondon, Vice Chair

Roy Harrington

David Mhango

Hank Gosar

## 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 Director of Planning and Development Services, or their designate; that the Applicant has satisfied all concerns below and as noted in the May 3, 2018 memo by Lawrence Kuk, Senior Planner:
  - That the Owner apply for Exemption from Site Plan Approval and that an exemption be granted by the Town to accommodate the proposed playground.
2. SUBMISSION to the Secretary-Treasurer of written confirmation from the Director of Operational Services, or their designate, that the Applicant has satisfied all concerns below and as noted in the May 2, 2018 memo by Sara Tienkamp, 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 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.
3. THAT the above noted conditions be satisfied within one year from the Notice of Decision, or the Variance may lapse requiring reapplication.