



100 John West Way,  
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Planning and Development Services  
Committee of Adjustment

**DECISION**

**FILE NUMBER:** MV-2018-26  
**PROPERTY:** 77 Wellington Street East  
**LEGAL DESCRIPTION:** Plan 68 Lot 9  
**APPLICANT:** Marsland  
**DATE OF DECISION:** December 6, 2018

PURSUANT to Section 45 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, respecting to permit a maximum of 8 parking spaces, thereby, requiring a variance of 5 parking spaces.

The Committee has determined that the Application ~~is~~ is not a Minor Variance and that granting such relief ~~is~~ is not with in 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 authorize, the extent of the Minor Variance is limited to the encroachment indicated on the site plan drawing circulated with the Notice of Application.

Concurring Members:


~~ABSENT~~  
Grace Marsh, Chair

  
Tom Plamondon, Vice Chair

  
Roy Harrington

~~OPPOSED~~  
David Mhango

  
Hank Gosar

**CERTIFIED**  
COMMITTEE OF ADJUSTMENT  
TOWN OF AURORA  
  
December 6, 2018  
SECY-TREAS



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## DECISION

### Schedule "A"

#### CONDITIONS FOR APPROVAL:

1. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Parks Division; that the Applicant has satisfied all concerns:
  - a) 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.
  - b) 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.
  - c) 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.
  - d) 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.
  - e) 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.



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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.

**Schedule "B"**

**REASONS FOR REFUSAL**

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.*