



**Town of Aurora
Committee of Adjustment
Meeting Agenda**

August 6, 2020
7 p.m., Electronic Meeting

1. Approval of the Agenda

Recommended:

That the Agenda as circulated by the Secretary-Treasurer be approved.

2. Declarations of Pecuniary Interest and General Nature Thereof

3. Adoption of the Minutes

**Committee of Adjustment Minutes of July 9, 2020
Meeting Number 20-05**

Recommended:

That the Committee of Adjustment Minutes from Meeting Number 20-05 be adopted as printed and circulated.

4. Presentation of Applications

- 1. MV-2020-13 – Dean – 42 Long Valley Road**
- 2. MV-2020-014 – Beriault – 100 Woodland Hills Boulevard**

5. New Business

6. Adjournment

COMMITTEE OF ADJUSTMENT STAFF REPORT

DATE: July 27, 2020

FROM: Matthew Peverini, Planner, Planning and Development Services

RE: Minor Variance Application
Dean
42 Long Valley Road
PLAN 65M2686 LOT 16
File: MV-2020-13

1. APPLICATION

The applicant is requesting the following relief from the requirements of the Town of Aurora Comprehensive Zoning By-law 6000-17, as amended, to consider the front yard as a side yard for purposes of permitting a swimming pool on the property:

- (a) Section 4.12(a) of the Zoning By-law allows pools to be located in rear and side yards only. The applicant is proposing that the front yard of the lot be considered as the side yard and to build a swimming pool therein.

2. BACKGROUND

Subject Property and Area Context

The subject property is municipally known as 42 Long Valley Road, and is located generally west of Yonge Street and south of St. John's Sideroad West. It is a corner lot with an approximate area of 1,200 m² (0.12 ha), and approximate lot frontage of 25 m (82 ft). Given that the subject property is a corner lot, it has frontage on Long Valley Road along both the south and west lot lines; however the south lot line is considered the front lot line as per the Town's Zoning By-law.

The subject property contains a two-storey single detached dwelling, a deck, and mature vegetation. Surrounding land uses include detached dwellings, and private and public open space.

Proposal

An in ground swimming pool with an approximate area of 50 m² (538 ft²) is proposed within the southern (front) yard of the subject property.

The applicant is proposing that the front yard of the property be considered as a side yard, to permit the swimming pool. Additionally, under the Fence By-law, a side yard permits a greater fence height than a front yard, which will aid the applicant in satisfying the requirements for a swimming pool enclosure.

Official Plan

The property is designated “Stable Neighborhoods” in the Official Plan which permits single detached dwellings, and associated ancillary uses. Stable Neighbourhoods are to be protected from incompatible forms of development, but are permitted to evolve over time. All new development shall be compatible with its surrounding context.

Zoning By-law

The subject property is zoned “R2(74) - Detached Second Density Residential Exception” by Zoning By-law 6000-17, as amended. Swimming pools are permitted within residential zones.

In the case of a corner lot, the Town’s Zoning By-law defines the ‘front lot line’ as the shorter line that abuts a street. As such, the location of the proposed pool is currently considered to be in the front yard, thus necessitating the minor variance application.

Fence By-law

The Town’s Fence By-law Number 4753-05.P provides that any “yard” shall have the meanings assigned to such terms as defined in the Zoning By-law. On a single residential property, where a lot line abuts a public highway or publicly owned land, no fence shall exceed 2.0 m (6.56 ft.) in height. Notwithstanding this however, the By-law also provides that no fence shall exceed 1.0 m (3.3 ft) in height in any front yard. A pool enclosure requires a minimum height of 1.2 m (4 ft).

Preliminary Zoning Review

A Preliminary Zoning Review was completed by the Building Division on May 25, 2020. The requested minor variance has been confirmed based on the review.

3. REVIEW & COMMENTS

The minor variance application was circulated to Town divisions and applicable external agencies for review and comment. Planning Division, and other Department/Agency comments are provided below.

Planning Division

a) The proposed variance meets the general intent of the Official Plan

Swimming pools are complementary to residential uses, and do not constitute incompatible development within residential neighbourhoods. The proposed pool will be located in an area that is wholly enclosed by a fence, as required by the Town's Fence By-law, and will not be visible from the street. Also, several surrounding properties contain swimming pools in their yards.

As such, staff are of the opinion that the proposed variance meets the general intent of the Official Plan.

b) The proposed variance meets the general intent of the Zoning By-law

The Zoning By-law requires that pools shall be located within rear and side yards only. Given the orientation of the dwelling on a corner lot, the front facade of the dwelling faces the west (exterior side yard). The yard with the front façade of the dwelling is typically referred to as the front yard, except for corner lots where the front yard is the one with the shortest lot line along a street frontage, regardless of the dwelling's orientation. Also, the amenity space that constitutes a typical backyard is located within the interior side yard (east), and portions of the front (south) and rear yard (north).

The swimming pool is proposed within the amenity area within the southerly portion of the property, and not within the yard with the front facade of the dwelling. The amenity space is enclosed by fencing, and the proposed consideration of the front yard as a side yard will permit the required fence height to constitute a swimming pool enclosure in accordance with the Town's Fence By-law.

Given the above, staff are of the opinion that the proposed variance meets the general intent of the Zoning By-law.

c) The proposed variance desirable for the appropriate development of the lot

The proposed location of the swimming pool maximizes the usage of the subject property's enclosed amenity space. As per the submitted drawings, the balance of the rear yard and interior side yard (north and easterly yards respectively) are narrow, and are not able to accommodate a swimming pool.

Additionally, the proposed variance addresses the technicality of how the existing dwelling is situated on this corner lot, and how the subject property is utilized. The Fence By-law does not permit a fence greater than 1.0 m (3.3 ft) in height in a front yard, and therefore the applicant cannot provide adequate screening for the private amenity space, or the minimum height requirement of 1.2 m (4 ft) for a pool enclosure.

The Town's Engineering Division has provided that there are existing storm, sanitary, and water services located within the front yard generally along the westerly edge of the proposed swimming pool. The applicant has advised staff that they are prepared to adjust the size or location of the proposed pool or existing services accordingly.

Given the above, staff are of the opinion that the proposed variance is considered desirable for the development of the lot.

d) The proposed variance is considered minor in nature

The proposed variance seeks to maximize the use of amenity space on the property, and a pool will not cause any adverse effects to the surrounding neighbourhood.

The Town's Legal Division has advised that a Restrictive Covenant is registered on title to the lands. This instrument provides that portions of certain lots within the plan of subdivision are zoned with a Private Open Space Zone category, and that no trees can be removed from these areas without written consent from the Town. There is no such zoning on the subject property, and therefore this instrument does not apply.

The Town's Parks Division has advised that trees situated on the subject property and/or property line that may be impacted by excavation or disturbance due to pool construction. To ensure that mitigation strategies are in place, and that the Town's Tree By-law is adhered to, staff recommend that approval of this application be subject to Condition #2 as outlined in Appendix A to this report.

Given the above, staff are satisfied that the proposed variance is minor in nature.

Other Departments

Department / Commenting Agency	Comments Provided
Building Division	A Preliminary Zoning Review was completed.
By-law Services	No concerns or comments with the proposed application.
Accessibility Advisory	No comments on the proposed application.
Operational Services Division	<p>There are trees situated on the subject property and/or property line that may be impacted by excavation or disturbance due to pool construction. This may result in irreparable damage to the root systems and/or canopy to one or more of these trees. Furthermore, it may be necessary to remove some trees for the proposed construction.</p> <p>Staff recommend that the Committee impose condition #2 in Appendix A, in the event that this application is approved.</p>
Engineering Division	Engineering Division has no objection to this minor variance application. The applicant has been advised that existing sanitary, storm and water services on the subject property may impact the size and/or location of the proposed pool
Legal Services	No concerns with the proposed application. See Restrictive Covenant registered on title to ensure there is no conflict.
Central York Fire	No comments received at the time of writing this report.
York Region	No concerns with the proposed application.
Alectra Utilities	<p>No objection to the application, subject to the following comments:</p> <p>Billboards, signs, and structures associated with the project must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.</p> <p>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.</p> <p>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</p>

Department / Commenting Agency	Comments Provided
	applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

Public Correspondence

Written submissions were not received at the time of writing of this report. Should written submissions be received after the writing of this report, the Secretary-Treasurer will provide the submission(s) to Committee members at the meeting.

4. CONCLUSION

Planning staff have reviewed minor variance application MV-2020-13 with respect to Section 45(1) of the Planning Act, and are of the opinion that the requested variance meets the four tests of the Planning Act. Please refer to Appendix 'A' for the recommended conditions of approval for the requested variances.

5. ATTACHMENTS

Appendix 'A' – Recommended Conditions of Approval

Appendix 'A' – Recommended Conditions of Approval

The following conditions are required to be satisfied should application MV-2020-13 be approved by the Committee of Adjustment:

1. That for the purpose of this Minor Variance application on this property, the front yard is to be recognized and treated as a side yard solely for the purpose of allowing a swimming pool and complying with Municipal Fence By-law Requirements, and not any other reason.
2. Submission to the Secretary-Treasurer of written confirmation from the Town's Director or designate of the Parks Division; that the Applicant has satisfied all concerns below as noted in the July 27, 2020 memo by Sara Tienkamp, Manager of Parks and Fleet:
 - 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 Director of Operational Services as compensation for trees removed to facilitate construction. Compensation planting shall be completed prior to release of 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.

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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.
 - 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

COMMITTEE OF ADJUSTMENT STAFF REPORT

DATE: August 6, 2020

FROM: Carlson Tsang, Planner, Planning and Development Services

RE: Minor Variance Application
Beriault
100 Woodland Hills Blvd
File: MV-2020-14

1. APPLICATION

The owner/applicant is requesting relief from the requirements of the Town's Zoning By-law 6000-17, as amended, to permit the widening of an existing driveway, as outlined below:

- a) Section 5.6.1(a)(iii) of the Zoning By-law allows a maximum driveway width of 10.0 metres if the lot frontage is 18.0 metres or greater, with the exception that the maximum driveway width at the street line shall not exceed 6.0 metres. The applicant is proposing a driveway width of 9.0 metres at the street line.

2. BACKGROUND

Subject Property and Area Context

100 Woodland Hills Boulevard is located on the south side of Woodland Hills Boulevard, east of Bathurst and north of St. John's Sideroad. The subject property is approximately 890.3 m² (9,579.88 ft²) in area and has a lot frontage of approximately 26 m (85.3 ft). The subject property is located within an established residential neighbourhood characterized by large lots with frontages ranging between 24 m (78.74 ft) and 29 m (95.14 ft). There is a single detached dwelling with an attached three-car garage on the property.

Proposal

The requested variance is to allow the widening of an existing driveway at the street line. No changes are being proposed to the existing dwelling.

Official Plan

The property is designated "Stable Neighborhoods" in the Official Plan which provides for single detached dwellings.

Zoning

The subject property is zoned “R3- (302) - Detached Third Density Residential” by Zoning By-law 6000-17, as amended, which permits single detached dwellings.

Preliminary Zoning Review

The applicant has completed a Preliminary Zoning Review (PZR) with the Town’s Building Division, prior to submitting the minor variance application, and the requested variance has been confirmed by this review.

3. REVIEW & COMMENTS

The application was circulated to applicable Town divisions and external agencies for comment. The following is a list of those who were circulated and comments provided:

Planning Comments

a) The proposed variance meets the general intent of the Official Plan

The property is located within a residential neighbourhood that was developed prior to the passing of Zoning By-law 6000-17. Many properties in the neighbourhood already have similar sized driveways that exceed the maximum width allowance. Staff are of the opinion that the requested variance is in keeping with the established character of the neighbourhood and therefore meets the general intent of the Official Plan.

b) The proposed variance meets the general intent of the Zoning By-law

The subject property is wide enough to accommodate the proposed additional driveway width without compromising the soft landscaping space in the front yard. Staff are of the opinion that the requested variance meets the general intent of the zoning by-law.

c) The variance is considered desirable for the appropriate development of the property

The existing driveway width at street line is approximately 6.87 m (22.53 ft) which already exceeds the maximum allowance. The requested variance only applies to a minor portion of the driveway and hence will have minimal impact on the existing streetscape character. Further, the proposed additional hard surface area is well away from the side yards which helps minimize any drainage impact on the adjacent properties. Staff are of the opinion that the requested variance is desirable for the appropriate development of the property.

d) The Variance is considered minor in nature

The resultant driveway will generally be keeping with the established character of the neighbourhood. The property will maintain generous soft landscaping space in the front yard to ensure the attractiveness of the street. Staff do not anticipate the variance will result in any negative impact on adjacent properties with respect to drainage. Staff are of the opinion that the variance is considered minor in nature.

Other Department and Agency Comments

Department / Agency	Comments Provided
Building Division	Preliminary Zoning Review conducted to confirm the variance required for the proposed work.
Engineering Services	No concerns with the proposed variance.
Operational Services	No concerns with the proposed variance.
Alectra	No concerns with the proposed minor variance.
Central York Fire Services	No comments provided at the time of writing of this report.
Legal Services	No comments provided at the time of writing of this report.
York Region	No concerns with the proposed minor variance.
LSRCA	No concerns with the proposed minor variance.

Public Correspondence

Written submissions were not received at the time of writing of this report. Should written submissions be received after the writing of this report, the Secretary Treasurer will provide the submission(s) to Committee members at the meeting.

4. CONCLUSION

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 meets the four tests of the Planning Act.

Please refer to Appendix A for recommended conditions of approval for the requested variance.

5. ATTACHMENTS

Appendix 'A' – Recommended Conditions of Approval

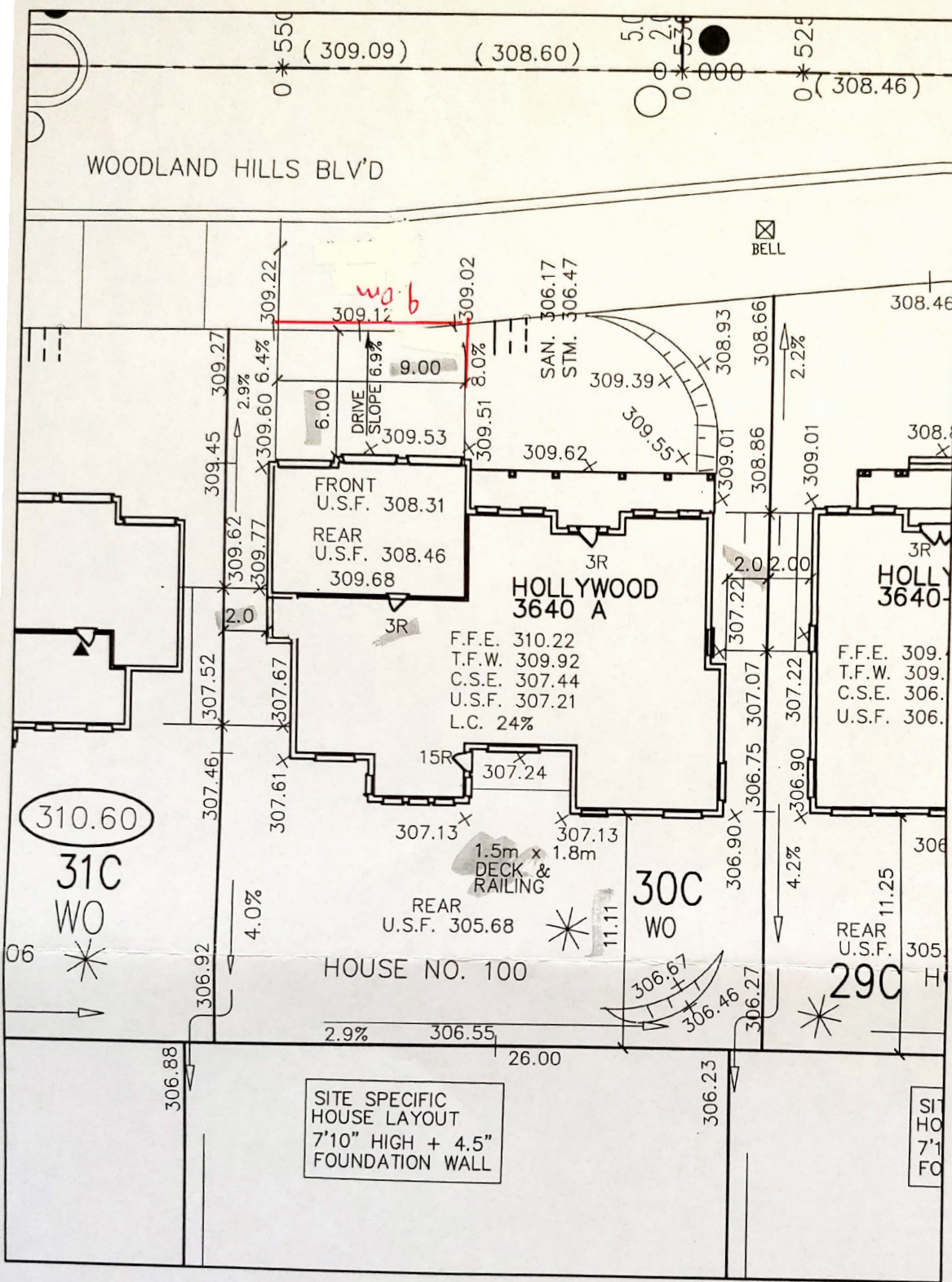
Appendix 'B' – Drawings

Appendix 'A' – Recommended Conditions of Approval

The following condition is required to be satisfied should application MV-2020-14 be approved by the Committee of Adjustment:

1. That the variance only applies to the subject property, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report, to the satisfaction of the Director of Planning and Development Services or designate.

Appendix B



PR 20190206
 Preliminary Zoning Review
M. Borja
 APR -1 2019
 PLANNING AND DEVELOPMENT SERVICES
 BUILDING DIVISION

ARCHITECTURAL REVIEW AND APPROVAL TOWN ENGINEER

Signed: *J.W. Poe*

Date: SEP 23 2004

OWN'S MILLER & ASSOCIATES LIMITED ARCHITECTS

It is the builder's complete responsibility to ensure that all plans submitted for approval fully comply with the Architectural Ordinance and all other local regulations and requirements including zoning provisions and any provisions in the subdivision plan. The Control Architect is not responsible in any way for examining or approving site (lotting) plans or working drawings with respect to any zoning or building code or permit matter or that any house can be properly built or located on its lot.