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**Town of Aurora  
 Planning and Development  
 Services**

## COMMITTEE OF ADJUSTMENT STAFF REPORT

**DATE:** May 4, 2018

**FROM:** Marty Rokos, Planner/Acting Secretary-Treasurer, Committee of Adjustment

**RE:** Minor Variance Application  
 Bradley and Sharon McMillan  
 6 Highland Court  
 Plan 547 Lot 2  
 File NO: MV-2018-07A-B

### PURPOSE OF APPLICATION MV-2018-07A

The Applicant is seeking relief from the provisions of Zoning By-law No. 6000-17, as amended, to allow a reduction in the minimum interior side yard setback. The property is in a Detached First Density Residential R1 Zone. Section 7.2 of the Zoning By-law requires a minimum interior side yard setback of 4.5 metres. The Applicant is proposing to construct a detached Pool House which is 2.44 metres to the southerly interior side property line; thus requiring a Variance of 2.06 metres.

### PURPOSE OF APPLICATION MV-2018-07B

The Applicant is seeking relief from the provisions of Zoning By-law No. 6000-17, as amended, to allow an increase in eaves projection. The property is in a Detached First Density Residential R1 Zone. Section 4.20 of the Zoning By-law allows eaves to project 0.7 metres into any required yard. The Applicant is proposing to construct a detached Pool House with eaves projecting 2.52 metres into required southerly interior side yard; thus requiring a Variance of 1.82 metres.

DEPARTMENTS AND AGENCIES CIRCULATED	COMMENTS RECEIVED
Planning Division:	No objections
Building Division:	No comments received
Engineering Division:	No objections
Operational Services:	No objections subject to conditions
Central York Fire Services:	No comments received
Alectra Utilities:	No comments received

York Region:	No comments received
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## **BASIC DATA PERTAINING TO THE MATTER**

There appear to be no objections to the Application; however there are conditions suggested in relation to approval of this Application.

## **LEGISLATIVE FRAMEWORK FOR MINOR VARIANCE**

In considering this Application, the Committee must have regard for the following criteria and determine whether:

- The general intent and purpose of the Town's Official Plan will be maintained;
- The general intent and purpose of the Town's Zoning By-law will be maintained;
- The Variance is desirable for the appropriate development or use of the land, building or structure; and,
- The proposed Variance is minor in nature.

## **SUPPLEMENTARY INFORMATION**

- The previously received letter of concern/objection from the owner of 10 Highland Court has now been removed
- Email correspondence from the owners of both 6 Highland Court and 10 Highland Court are attached herein

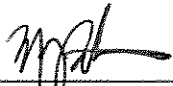
## **RECOMMENDATIONS**

*THAT the Committee determine its position with respect to the merits of the APPLICATION in the context of the legislative framework and the comments contained herein.*

1. 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 April 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.
2. THAT the above noted conditions be satisfied within one year from the Notice of Decision, or the Variance may lapse requiring reapplication.

Prepared by: Marty Rokos, Acting Secretary-Treasurer, COA Ext. 4350



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



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**Town of Aurora  
Planning and Development  
Services**

## INTERNAL MEMORANDUM

**DATE:** May 2, 2018

**TO:** Marty Rokos, Acting Secretary Treasurer

**FROM:** Caitlin Graup, Planner, Planning and Development Services

**RE:** Application for Minor Variance  
McMillan  
6 Highland Court  
Plan 547 Lot 2  
File Number: MV-2018-07A-B

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The applicant is requesting relief from the requirements of the Town of Aurora Zoning By-law 6000-17. The applicant is proposing to construct a detached pool house. The original application was deferred at the April 12, 2018 Committee of Adjustment meeting. The purpose of the deferral was to allow the applicant to consult with the adjacent neighbour and to consider a larger side yard setback. The applicant has consulted with the adjacent neighbour to the south and submitted a revised plan with a revised Preliminary Zoning Review.

**Application MV-2018-07A:** To permit a reduced minimum southerly interior side yard setback for the proposed detached pool house of 2.44m, whereas the Zoning By-law requires a setback of 4.5m, thereby requiring a variance of 2.06m;

**Application MV-2018-07B:** To permit the proposed detached pool house to have an eaves projection of 2.52m into the required southerly interior side yard, whereas the Zoning By-law allows a maximum eaves projection of 0.70m, thereby requiring a variance of 1.82m.

Planning staff have evaluated the minor variance application pursuant to the prescribed tests set out in Section 45.1 of the Planning Act.

### 1) **General Intent of the Official Plan**

The subject property is designated as Suburban Residential by the Town of Aurora Official Plan. The intent of the Suburban Residential designation is to ensure the highest standards of development for these extremely low density areas. In addition, permitted uses in Suburban Residential are limited to detached dwellings, accessory dwellings and home occupations. The variances sought will continue to maintain the residential character of

this portion of Highland Court. Planning Staff are of the opinion that the proposed variances maintain the general intent and purpose of the Official Plan.

**2) General Intent of the Zoning By-law**

The subject lands are zoned "Detached First Density Residential (R1) Zone" by the Town of Aurora Zoning By-law 6000-17. The proposed pool house is considered an accessory building and is permitted under the R1 zone.

Section 7.2 of the Zoning By-law requires a minimum interior side yard setback of 4.5 metres, and Section 4.20 of the Zoning By-law states eaves may project 0.7 metres into any required yard. The intent of the side yard setback and eaves projection provisions are to ensure that adequate spatial separation is maintained from the side lot lines and to minimize potential impacts on adjacent properties.

Given that the proposed pool house is located in the rear yard and appears to be largely screened by an existing hedgerow along the property line, it is Planning Staff's opinion that the impact on adjacent properties will be minimal. The applicant's proposed setback of 2.44m maintains adequate space for maintenance to be performed at the back of the structure. Planning staff are of the opinion that the proposed variance maintains the general intent and purpose of the Zoning By-law.

**3) Are the variances desirable for the appropriate development or use of the land**

Planning Staff are of the opinion that the proposed variances will not have a negative impact on the adjacent residential properties and surrounding neighbourhood and are appropriate for the development of the land. The proposed side yard setback still maintains adequate space for maintenance access at the back of the structure. The applicant has also advised that they have spoken with the property owners to the south and they do not have any concerns with the revised submission. Given the above, Planning Staff are of the opinion that the proposed variances constitute a desirable, compatible, and appropriate development and use of the land.

**4) Are the variances minor in nature**

Planning Staff are of the opinion that the proposed variances to reduce the minimum interior side yard and increase the eaves projection will not have a negative impact on surrounding properties. The proposed side yard setback and eaves projection still maintains adequate spatial separation from the side lot line. Therefore, Staff are of the opinion that the proposed variances are minor in nature.

Planning Staff are of the opinion that the subject minor variance application meets the four (4) prescribed tests set out in Section 45.1 of the Planning Act and therefore staff have no objection to the approval of Minor Variance Application File: MV-2018-07 A-B (McMillan).



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**Town of Aurora  
Infrastructure & Environmental  
Services**

**MEMO**

File: MV-2018- (07 A&B)  
D13-DEV- 006 (2018)

**DATE:** March 27, 2018

**TO:** Justin Leung, Secretary-Treasurer Committee of Adjustment

**FROM:** Patrick Ngo, Planning and Development Services

**RE:** Application for Minor Variance  
McMillan  
6 Highland Court  
Plan 547 Lot 2

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Engineering and Capital Delivery Division has no objection to these minor variance applications.

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Patrick Ngo  
Municipal Engineer  
Ext. 4375



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**Town of Aurora**  
**Operational Services**  
**Parks Division**

## INTERNAL MEMORANDUM

**DATE:** April 2, 2018  
**TO:** Marty Rokos, Planner  
**FROM:** Sara Tienkamp, Manager of Parks  
**RE:** MV 2018-07 A-D

We have reviewed the documentation and the property associated with the above noted application and provide the following recommended conditions in the event the application is approved

The proposed pool house construction may have impact on trees on or adjacent to the subject property such that it will be necessary to remove trees to facilitate construction of the proposed building.

In view of the above the Committee may wish to consider imposing the following conditions in the event that this application is approved.

- *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.*

*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*

Sara Tienkamp, Manager of Parks



**Rokos, Marty**

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**From:** Hunzach <hunzachhomes@rogers.com>  
**Sent:** April-09-18 12:13 PM  
**To:** Jeremy Burge  
**Cc:** Alan Plaunt; Michael Pettes; Christine Vyfschaft; Rokos, Marty  
**Subject:** [BULK] Re: 6 Highland Crt. Minor Variance Application

**Importance:** Low

Hi Jermey,

Thank you for your understanding, since Alan and Christine are not close to the site, if you have any questions or concerns please feel free to contact me.

I'm very easy going and would like the renovation to go as smoothly as possible.

Enjoy your travels.

Best Regards,

Jordan

Jordan Kolm  
Owner/Builder  
Hunzach Homes  
416 357 9997 cell  
[Jordankolm@rogers.com](mailto:Jordankolm@rogers.com)  
[Hunzachhomes@rogers.com](mailto:Hunzachhomes@rogers.com)

Sent from my iPhone

On Apr 9, 2018, at 11:35 AM, Jeremy Burge <[jeremy.burge@capitalinternational.com](mailto:jeremy.burge@capitalinternational.com)> wrote:

Alan and Christine

Thank you so much for the kind and detailed email. I will keep this short as were are away

This all seems good with us based upon your commitments and explanations . We will therefore remove our objection letter.

To : Marty Rokos - please use this as our Authority to remove our letter of objection

Thank you again  
Looking forward to meeting you both  
Jeremy and Andrea

**From:** Alan Plaunt  
**Sent:** Sunday, April 08, 2018 9:47:35 PM  
**To:** Jeremy Burge (JEYB)  
**Cc:** Jordan Kolm; Michael Pettes; Christine Vyfschaft; [mrokos@aurora.ca](mailto:mrokos@aurora.ca)  
**Subject:** 6 Highland Crt. Minor Variance Application

Dear Jeremy and Andrea

We are very sorry that this is how we are introducing ourselves. The purchase of our new home happened relatively quickly with us not being able to spend any time in the neighbourhood, making it hard to meet.

The variance application was completed by someone else while we were away and we didn't realize how little information was provided with regards to intent and execution details. We should have consulted you before the application was submitted!

We were very surprised to find out how large the back yard and side yard setback are (4.5m!). This is uncommon from our experience of property ownership. We examined other compliant locations to build the shed, but with these imposed set backs, it would be in the middle of our lawn, either to the left or right of the pool! The best option is to build the shed over the existing equipment.

The purpose of the pool shed is to cover the pool equipment and to provide a bit of dirty storage of pool and gardening tools. It is not heated nor is there living quarters or entertainment areas. We will not use the back outside of the shed for storage.

Currently, the pool equipment is within the side yard setback zone and the privacy fence on our side provides a bit of sound isolation for us but, probably, reflects the pool pump noise towards you. Housing the equipment will greatly reduce any pool equipment sounds.

The footprint drawing was in error when it showed the lack of hedge. We intend to keep the hedge around our property as a sound and visual barrier. We will also, get the hedging professionally trimmed to clean up its appearance. If you will allow, we will also get your side cleaned up, if needed.

Although the footprint of the building is 37'x12', the internal space is actually not that big due to the significant real estate area required by the pool equipment. Also, the internal space is quite a bit smaller due to a covered landing on our side. The eave height is just high enough for a standard door. There are no windows on the back side, so you will get a solid wall for privacy. The current hedge height should cover all but the peak of the roof.

We will make sure the roof run-off is handled properly to not cause water to flow anywhere it's not wanted.

We will not be putting in any fireplace or fire pit. The BBQ will be installed on our house porch well away from any nature.

We hope that we have addressed all of your concerns. Please feel free to contact us if you have any other questions.

Regards,  
Alan and Christine

To others; We understand Jeremy and Andrea are away. Please forward this note to them if there is a better email address to use.

Alan Plaunt 905 334-6496 [alplaunt@gmail.com](mailto:alplaunt@gmail.com) Christine Vyfschaft 905 431-7129 [chrisvyf@gmail.com](mailto:chrisvyf@gmail.com) 6 Highland  
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