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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  
1087931 Ontario Limited  
160 Wellington Street East  
Plan 246 Part Lot 106 RP 65R-25819 Parts 6 to 8  
File NO: MV-2018-10 A-B

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### PURPOSE OF APPLICATION MV-2018-10A

The Applicant is seeking relief from the provisions of Zoning By-law No. 6000-17, as amended, to permit a reduction in required parking spaces and barrier-free parking spaces. The purpose of the reduction of parking spaces is to facilitate an outdoor play area for a proposed childcare facility. The property is zoned "Mixed Residential Commercial C6(150) Exception Zone". The site-specific Zoning By-law requires a minimum of 123 parking spaces. The Applicant is proposing to reduce the minimum required parking spaces to 120, thus requiring a variance of 3 parking spaces.

### PURPOSE OF APPLICATION MV-2018-10B

The Applicant is seeking relief from the provisions of Zoning By-law No. 6000-17, as amended, to permit a reduction in required parking spaces and barrier-free parking spaces. The Zoning By-law requires a minimum of 5 barrier-free parking spaces. The Applicant is proposing to reduce the minimum required barrier-free parking spaces to 3, thus requiring a variance of 2 barrier-free parking spaces.

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

York Region:

No objections

## 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

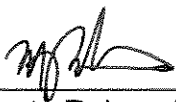
- Written correspondence received from residential suite owner at 160 Wellington Street East, with response from Planning Department (email attached herein)

## 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 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 in regards to site alterations to accommodate the proposed childcare facility and associated outdoor play area.
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



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 3, 2018

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

**FROM:** Lawrence Kuk, Senior Planner, Planning and Development Services

**RE:** Application for Minor Variance  
1087931 Ontario Limited  
160 Wellington Street East  
Plan 246 Part Lot 106 RP 65R-25819 Parts 6 to 8  
File No. ~~MV-2018-10 A-B~~

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The applicant is requesting relief from the requirements of the Town of Aurora Zoning By-law 6000-17 to permit a reduction of parking spaces and barrier-free parking spaces. The purpose for the reduction of parking spaces is to facilitate an outdoor play area for a proposed childcare facility.

**Application MV-2018-10A:** To reduce the total minimum required parking spaces to 120, whereas the site-specific Zoning By-law requires a minimum of 123 parking spaces, thereby requiring a variance of 3 parking spaces;

**Application MV-2018-10B:** To reduce the total minimum required barrier-free parking spaces to 3, whereas the Zoning By-law requires a minimum of 5 barrier-free parking spaces, thereby requiring a variance of 2 barrier-free parking spaces.

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 lands are designated "Upper Downtown" on Schedule 'B1' by the Town of Aurora Official Plan. Policies of the Upper Downtown designation encourages retail, entertainment and cultural venues as well as more uses that are residential. Land use policies within the Upper Downtown also encourages mixed-use development including having dwelling units located on the second storey and avoiding standalone retail facilities. The purpose of the proposed variances is to implement an outdoors play area for a childcare facility located in a vacant commercial unit on the ground floor. Planning staff are of the opinion that the proposed variances maintains the general intent and purpose of the Official Plan.

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

The subject property is zoned "Mixed Residential Commercial (C6-150) Exception Zone" by the Town of Aurora Zoning By-law 6000-17. Day care centres are permitted within the C6-150 exception zone. The intent and purpose of the minimum parking requirement is to ensure that adequate on-site parking to service the uses on the subject lands.

The Applicant submitted a parking study to support the proposed variances. The parking study observed the number of available parking spaces on a weekday from 7:00am to 10:00am and 4:00pm to 7:00pm. The parking study concluded that during the operation of daycare, there are significant number of vacant parking spaces available. The parking study demonstrated that at most, only 51 regular parking spaces and 1 barrier free parking spaces were occupied at 7:00am. The parking study has been reviewed by the Town's Traffic/ Transportation Analyst and concurs with the findings of the parking study and have no objections to the proposed variances. Therefore, Planning Staff are of the opinion that the proposed variances maintains the general intent and purpose of the Zoning By-law.

## **3) Is the variance desirable for the appropriate development or use of the land**

The proposed childcare facility is to be located in an existing vacant commercial unit under a residential condominium apartment building. Childcare facility is permitted under the Official Plan and the Zoning By-law on the subject lands. The purpose of the proposed variances is to reduce the number of parking spaces to support a permitted use. As such, Planning Staff is of the opinion that the proposed variances are constitutes an appropriate, desirable and compatible use of the land in relation to the surrounding area.

## **4) Is the variance minor in nature**

Although the proposed variance is to reduce the total number of barrier-free parking to 3, please note the mixed use development on the subject lands were approved with only 3 barrier-free parking on the subject site. Therefore, the proposed variance for the barrier-free parking spaces is to recognize the relocation of the existing barrier-free parking spaces. As shown in the parking study, the proposed reduction of regular parking spaces will have minimal impact to the parking supply for both the residential and commercial portion of the subject lands. Planning Staff are of the opinion that the proposed variances are minor in nature.

Although Planning Staff have no objection to the proposed variances for reduction of parking spaces, please note a site plan exemption application is required to implement the childcare facility and outdoor play area. The purpose of the site plan exemption is to review matters that are outside the scope of the proposed minor variances. Staff will review items such as traffic flow from drop-offs, the location of the new barrier-free parking spaces and other site alterations matters.

Based on the aforementioned, Planning Staff are of the opinion that the proposed minor variance application meets the four (4) prescribed tests set out in Section 45.1 of the Planning Act and; therefore, have no objection to the approval of Minor Variance Application MV-2018-12 A-B, (Spragg) subject to the following condition:

1. That the Owner apply for a Site Plan Exemption Application and approval be granted by the Town in regards to site alterations to accommodate the proposed Childcare facility and the outdoor play area.



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**Town of Aurora**  
**Planning & Development Services**  
**Engineering & Capital Delivery Division**

**MEMO**

File: **MV-2018-10A-B**  
**D13-DEV-006 (2018)**

**DATE:** April 25, 2018

**TO:** Marty Rokos, Acting Secretary-Treasurer, Committee of Adjustment

**FROM:** Michael Bat, Traffic/Transportation Analyst

**RE:** Application for Minor Variance  
1087931 Ontario Limited  
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Engineering and Capital Delivery Division reviewed the above-noted minor variance application. The applicant proposes the following minor variances:

1. Section 24.150.5 of the Zoning By-law requires a minimum of 123 parking spaces. The applicant is providing 120 parking spaces, thereby a shortfall of 3 parking spaces; and
2. Section 5.8.2 of the Zoning By-law requires 5 barrier-free parking spaces. The applicant is providing 3 barrier-free parking spaces, therefore having a shortfall of 2 barrier-free parking spaces.

To support the above noted variances, the applicant submitted a parking utilization survey at the subject site and concluded that the proposed parking supply is adequate to support the future parking demand. We have reviewed the provided information and concur with the applicant.

Based on the foregoing, we have no objections to this minor variance application.

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Michael Bat  
Traffic/Transportation Analyst  
Ext. 4374

## Rokos, Marty

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**From:** McMackin, Joseph <Joseph.McMackin@york.ca>  
**Sent:** May-02-18 2:59 PM  
**To:** Rokos, Marty  
**Subject:** MVAR.18.A.0227 / ~~MV-2018-10A-B~~ (160 Wellington Street East)

Hi Marty,

The Regional Municipality of York has completed its review of the above Minor Variance Application and has no objection.

Please feel free to contact me if you have any further questions or concerns.

Best,

**Joseph McMackin, B.URPI | Associate Planner**

Planning and Economic Development Branch, Corporate Services Dept.

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O: 1-877-464-9675 ext. 71516 | [joseph.mcmackin@york.ca](mailto:joseph.mcmackin@york.ca) | [www.york.ca](http://www.york.ca)

*Our Values: Integrity, Commitment, Accountability, Respect, Excellence*

Please consider the environment before printing this email.

## Graup, Caitlin

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**From:** Kuk, Lawrence  
**Sent:** Friday, May 04, 2018 9:39 AM  
**To:** Planning; Ian & Laura Johnson  
**Cc:** Graup, Caitlin  
**Subject:** RE: File # MV-2018-10A-B

Hello Laura,

Thank you for your comments submitted on May 3, 2018 pertaining to the Minor Variance application on 160 Wellington Street East.

I would like to take this opportunity to acknowledge receipt of your comments.

Please note your comments will be kept on file.

Staff will include you as an interested party for the minor variance application as requested.

For clarity, the applicant is proposing to reduce the regular parking space requirement from 123 to 120 parking spaces. As for the barrier-free parking spaces. Currently, there are only 3 barrier-free parking spaces on site. The variance for the barrier-free parking spaces will not further reduce what is current out there.

The applicant will only relocate the 2 barrier-free along Yonge Street to face Centre Street. The other barrier-free parking space will remain as is.

I agree with you that the actual variance of reduction of parking spaces is not the main issue.

I understand your concerns with regards to drop offs and the potential future traffic issues in this area.

Although, the above issues are outside the scope of what a minor variance application is intended for.

Planning Staff is recommending to the Committee of Adjustment to approve the application subject to a site plan exemption application.

The purpose of the site plan exemption application is to allow Staff to review issues such as traffic flow generated by the future Carechild centre.

Staff would like to review where the delineated drop off areas are.

If the site plan exemption application does not get approved, the minor variance will not be approved as well.

If you have any questions, please do not hesitate to contact me.

Regards,

*Lawrence Kuk, MCIP, RPP*  
Senior Planner

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**From:** February, Stephanie **On Behalf Of** Planning  
**Sent:** Thursday, May 03, 2018 3:35 PM



**To:** Ian & Laura Johnson <ianjohnson@rogers.com>; Planning <Planning@aurora.ca>  
**Cc:** Graup, Caitlin <CGraup@aurora.ca>; Kuk, Lawrence <LKuk@aurora.ca>  
**Subject:** RE: File # MV-2018-10A-B

Dear Laura,

By way of this email I am forwarding your comments to Caitlin Graup, Planner for any assistance she may be able to provide in this regard.

Thank you for contacting Planning and Development Services

Stephanie February  
Planning Clerk,  
Planning and Development Services

Town of Aurora  
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[www.aurora.ca](http://www.aurora.ca)

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**From:** Ian & Laura Johnson <ianjohnson@rogers.com>  
**Sent:** Thursday, May 03, 2018 3:26 PM  
**To:** Planning <Planning@aurora.ca>  
**Subject:** File # MV-2018-10A-B

Dear Sir,

I am replying to a notice sent to me Re: zoning a minor variance application in reducing required parking spaces and barrier free parking.

If I understand correctly some of the parking spaces owned by the commercial units will be converted into an outdoor play area for the future daycare that will own/rent a commercial unit at 160 Wellington street East. There will be a reduction of 5 parking spaces. I do not feel that actual conversion of parking spots is a problem.

The problems that may occur are:

1. If there is NOT an assigned area or parking spots devoted to parents dropping of their children, it is possible that parents will park in an condo owners spot while dropping off and/or picking up their children from daycare. So new and additional inconvenience for tenants and owners.
2. Traffic flow through the lot: parents in a rush could try and cut through the entrance off of wellington and cause safety issues to patrons getting into their vehicles and or patrons leaving the front door of the building (the driveway coming off Wellington St., under the carport is quite close to the front doors of the building). This could be a safety concern to patrons of the building.
3. Traffic flow at the intersection of Center St. and Industrial Pkwy is already problematic-( see painting on the road that reads " Do not block traffic".) Also the addition of 2 new condos to be built (where Royal woodworking is now located) will cause a great deal of congestion and additional traffic flow problems at the intersection of Center St./Industrial Pkwy as well as at Industrial Pkwy and Wellington St. Traffic flow is already poor in this area when the Go train parking lot is filling up or emptying during the morning and evening rush hours.

I realize this meeting is to discuss the parking changes and not traffic flow issues in and around the condo. However, we the owners and our town planners have a duty to think ahead of possible problems down the road that could arise due to poor planning or lack of foresight, especially when poor planning could affect both safety to citizens and traffic flow problems in an already very congested area. Is the additional daycare traffic and the future condo traffic going to add up to a traffic and safety nightmare?

What kind of study is needed to address the above issues?

Thanks

Have a great day.

Please respond and let me know that this email went to the person who is overseeing this meeting.

P.S. I will hopefully attend the meeting on May 10<sup>th</sup>, but just in case I cannot this is my written request to be notified of the decision by the Committee of Adjustment. [laura.johnson@yrdsb.ca](mailto:laura.johnson@yrdsb.ca)

Thanks

Laura Johnson

Owner of Suite 401

160 Wellington Street E.

Aurora, Ontario

Sent from [Mail](#) for Windows 10

March 14,218

Permit Application No. PR20180186

**Magic Tree Child Care**  
123 Dawlish Avenue  
Aurora, ON L4G6R3

**Mr. Michael Bat**  
Analyst, Traffic/Transportation  
Engineering and Capital Delivery Division  
Planning and Development Services  
Town of Aurora  
100 John West Way, Box 1000  
Aurora, Ontario L4G 6J1

Dear Mr. Michael Bat,

Following study has been prepared by us to provide you with information on existing property and the changes being proposed under this application.

**Introduction**

Following parking utilization study was preformed to determine parking demand for existing mixed-use residential – commercial building located at 160 Wellington St E, Aurora Ontario.

**Description of Property**

The property is located at northwest corner of Wellington St East and Industrial Parkway North, in Aurora, Ontario. It is a 5 storey building with 4 level of residential apartments above the ground level commercial units. There are 4 commercial units on the ground level, one of which is vacant and is being proposed for daycare use under this application.

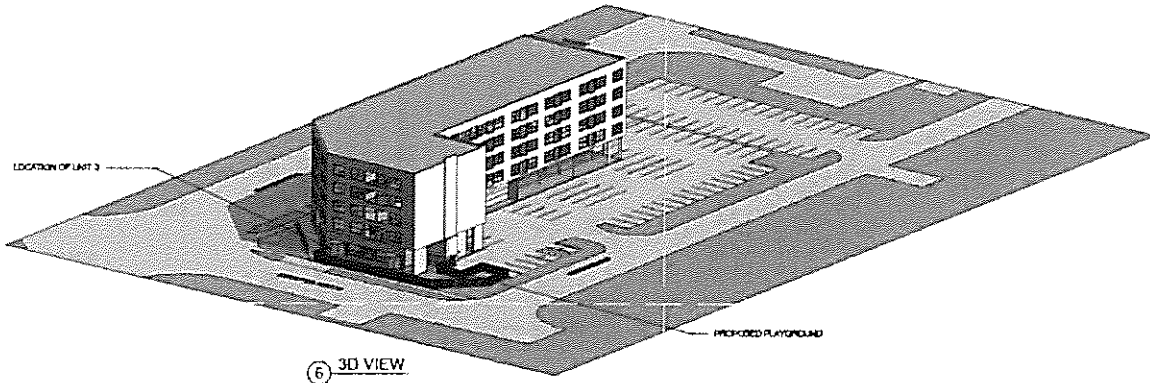
The property offers surface parking spaces with following counts:

Parking Spaces				
	Commercial		Residential	
	Tenant	Visitor	Resident	Visitor
Existing	21	5	81	17

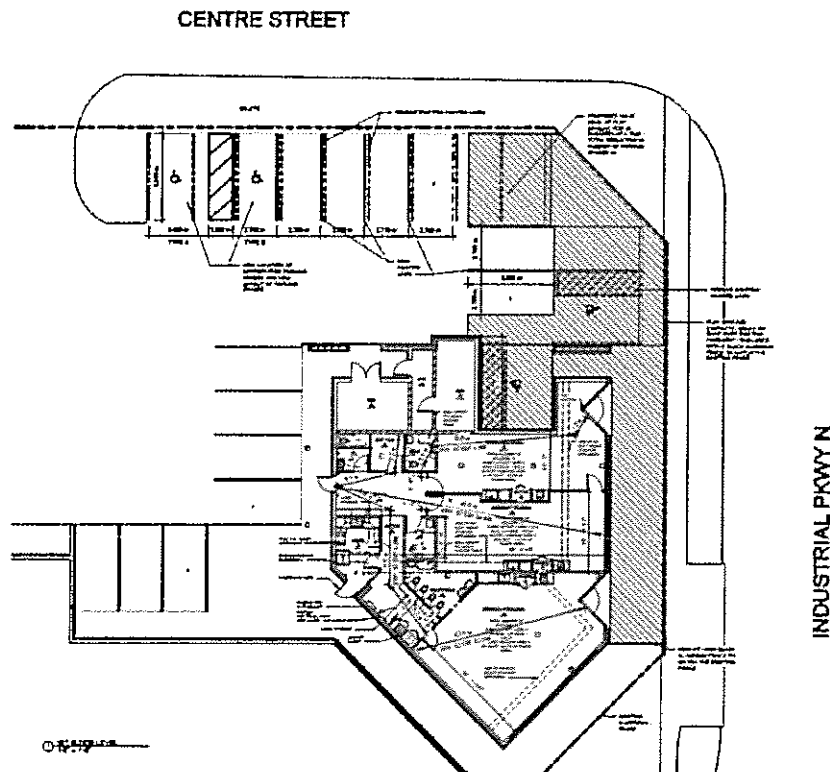
Included in above numbers are 3 accessible parking spaces.

### Description of Proposal

This application is proposing a daycare use for the currently vacant Unit 3. Unit 3 is a corner unit as shown on the illustration below.



As part of the daycare, the application is proposing an outdoor playground, which will result in reduction of 4 regular parking space, which is a shortfall of 3 parking spaces as determined by the Preliminary Zoning Review. Following drawing shows the impact of proposed playground and the changes being proposed to the existing parking layout.



### Parking Utilization Survey

Following chart provides statistical information of parking space use. The survey was done on Wednesday, March 21, 2018.

Number of Parking Spaces Occupied				
	Commercial		Residential	
	Tenant Out of 21	Visitor Out of 5	Resident Out of 81	Visitor Out of 17
7:00am	0	0	50	1 B.F.*
7:30am	0	0	44	2 (1 B.F.)*
8:00am	0	0	37	3 (1 B.F.)*
8:30am	0	0	31	3 (1 B.F.)*
9:00am	0	0	30	4 (1 B.F.)*
9:30am	0	0	29	4 (1 B.F.)*
10:00am	0	0	28	4 (1 B.F.)*
4:00pm	1	0	24	5 (1 B.F.)*
4:30pm	1	0	21	7 (1 B.F.)*
5:00pm	0	0	42	4 (1 B.F.)*
5:30pm	0	1	38	5 (1 B.F.)*
6:00pm	0	1	42	4 (1 B.F.)*
6:30pm	1	1	43	6 (1 B.F.)*
7:00pm	0	0	42	5 (1 B.F.)*

\* # B.F. = Includes # Barrier Free Parking Space

### Conclusion

As determined by the above study, during the operation of daycare, which will be from 7:30am to 6:00pm, there will be significant number of vacant parking spaces available. Following table presents the number of available parking spaces at the pick time of use for each category.

Available Number of Parking Space at Pick Time of Use				
	Commercial		Residential	
	Tenant	Visitor	Resident	Visitor
Vacant	20	4	31	11

Therefore, proposed changes to the number of parking spaces (shortfall of 3 spaces) will have no impact on availability of parking space.