



100 John West Way
Box 1000
Aurora, Ontario
L4G 6J1
Phone: 905-727-3123 ext. 4350
Email: mrokos@aurora.ca
www.aurora.ca

**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
Vello Holdings Limited
330 McCiellan Way
Plan 65M-2802 Block 2
File NO: MV-2018-11

PURPOSE OF APPLICATION MV-2018-11

The Applicant is seeking relief from the provisions of Zoning By-law No. 6000-17, as amended, to reduce the minimum required landscaping strip abutting a residential zone. The property is zoned "Convenience Commercial C1(103) Exception Zone". Section 4.8 of the Zoning By-law requires a 1.5m landscaping strip to be located adjacent to the entire length of a property line which abuts a residential zone. The Applicant is proposing a 27m by 5.4m playground for a proposed daycare centre within the required landscaping strip along the northern property line where the property abuts a residential zone, thus requiring a variance.

| 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 objections subject to conditions |
| 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.

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 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.

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



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



100 John West Way
Box 1000
Aurora, Ontario
L4G 6J1
Phone: 905-727-3123 Ext. 4343
Email: lkuk@aurora.ca
www.aurora.ca

**Town of Aurora
Planning and Development
Services**

INTERNAL MEMORANDUM

DATE: May 3, 2018

TO: Marty Rokos, Acting Secretary Treasurer to the Committee of Adjustment

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

RE: Application for Minor Variance
Vello Holdings Limited
330 McClellan Way
Plan 65M-2802 Block 2
File No. MV-2018-11

The Owner is requesting relief from the requirements of the Town of Aurora Zoning By-law 6000-17, as amended to reduce the minimum required landscaping strip abutting a residential zone.

Application MV-2018-11: Section 4.8 of the Zoning By-law requires a 1.5 m landscaping strip to be located adjacent to the entire length of a property line which abuts a residential zone. The Applicant is proposing a 27 m by 5.4 m playground for a proposed daycare centre within the required landscaping strip along the north property line where the property abuts a residential zone, thus requiring a variance.

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 Town's Official Plan designates the subject lands as "Existing Commercial" on Schedule 'A' Structure Plan and "Convenience Commercial Centre" on Schedule 'C' Commercial Centres. The intent of the "Convenience Commercial Centre" designation is to recognize existing convenience and neighbourhood plazas. A child care centre is permitted under the "Convenience Commercial Centre" designation. The proposed variance is to implement an outdoor play area for a child care centre.

Planning Staff are of the opinion that the proposed variance conforms to the general intent and purpose of the Official Plan.

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

The subject property is zoned "Convenience Commercial C1(103) Exception Zone" by the Town of Aurora Zoning By-law 6000-17.

The Owner is requesting relief from the required 1.5 m landscaping strip abutting a residential zone for the proposed playground. The intent of the landscaping strip requirement is to provide adequate spatial separation and buffering between uses and to provide landscaped green space. The Applicant is proposing a 2 m setback from the main commercial building to the play area. Furthermore, the proposed chain link fence surrounding the play area is relatively low and will continue to provide visual separation between the commercial and residential uses.

Planning Staff are of the opinion that the subject variance maintains the general intent of the Zoning By-law.

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

The subject property is a neighbourhood plaza that forms the commercial centre of the surrounding predominantly residential neighbourhood. Playgrounds are typically located near residential dwellings. The area of the proposed playground includes a drainage swale as well as large coniferous trees. Any changes to the grading and landscaping will be evaluated through the site plan exemption, which will be required before construction of the playground. A wood privacy fence separates the subject lands from the adjacent residential lands to the north. Additionally, each townhouse unit has a private rear yard fence, separated from the boundary fence by a buffer of approximately 3 m. It is the opinion of Planning Staff that adequate spatial separation, buffering and green space will be maintained as a result of the proposed variance. It is noted that Engineering staff have no concerns with a playground at this location.

Given the above, Planning Staff are of the opinion that the proposed variance constitutes a desirable, compatible, and appropriate development and use of the land.

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

Planning Staff are of the opinion that the requested variance will have a minimal impact on the intended function of the subject lands and to the surrounding neighbourhood. Planning Staff are of the opinion that the variance is 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-2018-11 (Vello Holdings Limited) subject to the following condition:

1. That the Owner apply for Exemption from Site Plan Approval and that an exemption be granted by the Town to accommodate the proposed playground.



100 John West Way
Box 1000
Aurora, Ontario
L4G 6J1
Phone: 905-727-3123 ext. 4322
Email: gmcarthur@aurora.ca
www.aurora.ca

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

MEMO

File: MV-2018-11

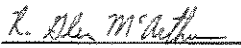
Date: April 30, 2018

To: Marty Rokos – Acting Treasurer, Committee of Adjustment

From: Glen McArthur, Municipal Engineer

**Re: Application for Minor Variance (Vello Holdings Limited)
330 McClellan Way**

We have no objection to the above noted variance application.


Glen McArthur,
Municipal Engineer
Ext. 4322



100 John West Way
Box 1000
Aurora, Ontario
L4G 6J1
Phone: 905-727-3123 ext. 3222
Email: stienkamp@aurora.ca
www.aurora.ca

**Town of Aurora
Parks, Recreation and Cultural
Services**

INTERNAL MEMORANDUM

DATE: May 2, 2018
TO: Marty Rokos, Planner, Acting Committee of Adjustment Secretary
FROM: Sara Tienkamp, Acting Manager of Parks
RE: MV 2018-11

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 construction will have impact on a number of trees on or adjacent to the subject property such that it will be necessary to remove trees to facilitate construction of the proposed building. Furthermore, it may not be possible to replace all of the trees on the subject properties that will be lost.

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*

May 2, 2018

MV 2018-11

/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

From: McMackin, Joseph <Joseph.McMackin@york.ca>
Sent: May-02-18 3:55 PM
To: Rokos, Marty
Subject: MVAR.18.A.0229 / ~~MV-2018-11~~ (330 McClellan Way)

Follow Up Flag: Follow up
Flag Status: Flagged

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.

The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1
O: 1-877-464-9675 ext. 71516 | joseph.mcmackin@york.ca | www.york.ca

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

Please consider the environment before printing this email.