



100 John West Way  
 Box 1000  
 Aurora, Ontario  
 L4G 6J1  
 Phone: 905-727-3123 ext. 4223  
 Email: jleung@aurora.ca  
 www.aurora.ca

TOWN OF AURORA  
 Planning and Building Services

Committee of Adjustment

### NOTICE OF DECISION

**FILE NUMBER:** C-2017-08  
**PROPERTY:** 190 Kennedy Street West  
**LEGAL DESCRIPTION:** Plan 246 Pt Lot 29  
**APPLICANT:** Jessmar Group Ltd  
**CONTACT:**

Additional information may be obtained from Justin Leung of the Planning and Building Services department at 905-727-3123 extension 4223, or emailed to jleung@aurora.ca. Please quote the file name and number.

If you have objections to this Notice of Decision, you may appeal to the Ontario Municipal Board for consideration. Your appeal, together with the reasons for the appeal and the \$125.00 fee (per Application) as required by the Ontario Municipal Board, can be made payable to the Minister of Finance in the form of a certified cheque or money order. An (A1) "Appellant Form" provided by the Board is now on their website at [www.omb.on.ca](http://www.omb.on.ca) and must be filed with the Secretary-treasurer, Committee of Adjustment at 100 John West Way, Box 1000 Aurora, Ontario, L4G 6J1, no later than 4:30 p.m. on or before **November 29, 2017**. Should this date fall on a holiday or weekend, you will have until 4:30pm of the next business day to file your appeal. Please note an additional fee (which can be found in the Fee By-law on our website, [www.aurora.ca](http://www.aurora.ca)), per Application, payable to the Town of Aurora is required with respect to Ontario Municipal Board appeal submissions.

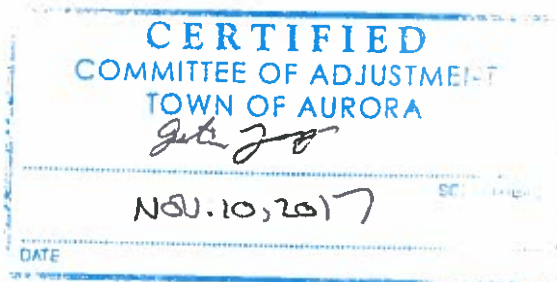
In accordance with the *Planning Act*, only individuals, corporations and public bodies may appeal a by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice may be filed in the name of an individual who is a member of the association or the group on its behalf.

Should no appeal be filed within the applicable time period, this Notice of Decision, subject to any conditions imposed by the Committee of Adjustment, becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer. For your information, the lands, which are the subject of this Application, are also subject to Consent Applications (file NO. C-2017-09) and Minor Variance Applications (file NOs. MV-2017-34A-C, MV-2017-35A-B and MV-2017-36A-C).

ADDITIONAL INFORMATION relating to this decision is available from the Committee of Adjustment staff, Planning and Building Services department, Aurora Town Hall located at 100 John West Way.

DATED at the Town of Aurora, this 10<sup>th</sup> day of, November, 2017.

Justin Leung  
 Secretary-Treasurer  
 Committee of Adjustment/Planning Technician





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TOWN OF AURORA  
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Committee of Adjustment

**DECISION**

**FILE NUMBER:** C-2017-08  
**PROPERTY:** 190 Kennedy Street West  
**LEGAL DESCRIPTION:** Plan 246 Pt Lot 29  
**APPLICANT:** Jessmar Group Ltd.  
**DATE OF DECISION:** November 9, 2017


PURSUANT to Section 53 of the Planning Act with respect to the above noted Application the Committee of Adjustment ("Committee"), THAT:

It hereby does/does not grant Provisional Consent with regard to the Application as submitted. Where Consent has been granted, it is subject to and entirely conditional upon fulfilment (by the Applicant, to the satisfaction of the Committee) of the conditions (if any), attached hereto as Schedule "A". Where Consent has been refused, the decision is based upon the reasons attached hereto as Schedule "B".

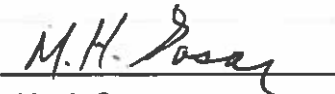
Concurring Members:


  
 Grace Marsh, Chair

  
 Tom, Plamondon, Vice Chair

  
 Roy Harrington

ABSENT  
 David Mhango

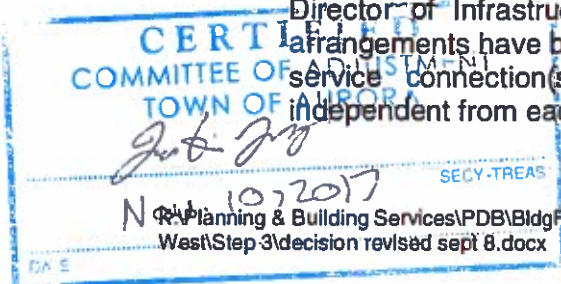
  
 Hank Gosar

CERTIFIED  
 COMMITTEE OF ADJUSTMENT  
 TOWN OF AURORA  
  
 Nov. 10, 2017

## Schedule "A"

### CONDITIONS:

1. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Treasurer or designate; that all outstanding financial commitments have been satisfied, if any, to the Town (for C-2017-08 and C-2017-09).
2. SUBMISSION to the Secretary-Treasurer of two copies of a Draft Reference Plan (for review), showing that the subject lands substantially conform to the Application as submitted. One copy of the Deposited Reference Plan must be submitted prior to the issuance of the Certificate of Official (for C-2017-08 and C-2017-09).
3. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Planning and Building Services; that the Applicant has satisfied all concerns below and as noted in the November 9, 2017 memo by Lawrence Kuk, Planner:
  - That the Applicant/Owner enters into a letter of undertaking to address the following: the building massing, height, primary façade, architectural elements and materials, landscaping and tree preservations and driveways to the satisfaction of the Director of Planning and Building Services.
  - That the related variance application MV-2017-34A-C, MV-2017-35A-B and MV-2017-36A-C be approved and in force, thereby ensuring the compliance with the minimum lot frontage, building height and driveway width.
4. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Infrastructure and Environmental Services; that the Applicant has satisfied all concerns below and as noted in the October 27, 2017 memo by Sabir Hussain, Municipal Engineer:
  - The applicant provide a servicing and grading control plan showing details including but not limited to general grading and drainage; shared driveway locations and access easement; municipal easement and sewers/watermains; service connections locations, inverts and profile; fencing, erosion and sediment controls and storm water management measures as applicable to the satisfaction of Director of Infrastructure & Environmental Services.
  - The applicant provide to the Secretary-Treasurer, confirmation, in writing, from the Director of Infrastructure and Environmental Services indicating that satisfactory arrangements have been made with respect to payment of all applicable charges and fees in relation to the proposed service connections to the municipal watermains and sewers.
  - The applicant provide to the Secretary-Treasurer, confirmation, in writing, from the Director of Infrastructure and Environmental Services indicating that satisfactory arrangements have been made with respect to the installation of water meter(s) and service connection(s) to render the severed and retained lots fully serviced independent from each other.



- That any repair, maintenance and replacement of service laterals proposed within municipal easement will be responsibility of the homeowners. As such, a warning clause to that effect would be registered by the applicant on title of each proposed Lot to make the future homeowners aware of this responsibility.
5. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Parks, Recreation and Cultural Services; that the Applicant has satisfied all concerns below and as noted in the November 1, 2017 memo by Sara Tienkamp, Acting Manager of Parks:
- THAT the owner may be required to provide an Evaluation Report prepared by 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 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.
  - 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.
  - 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

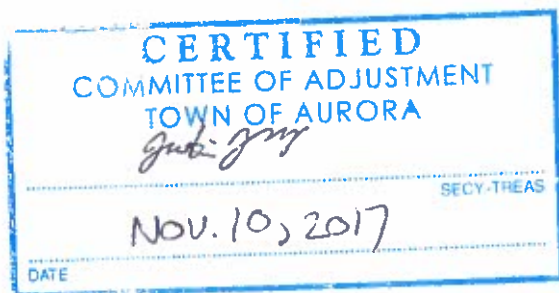


DATE

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6. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Solicitor, or designate of Legal Services Division; that the Applicant has satisfied all concerns below and as noted in the November 2, 2017 memo by Nicole Trudeau, Law Clerk:
- THAT the Owner be required to executed Memorandum of Understanding respecting cash-in-lieu of parkland dedication to satisfaction of Town's Legal Services Division.
7. SUBMISSION to the Secretary-Treasurer of written confirmation from Lake Simcoe Region Conservation Authority; that the Applicant has satisfied all concerns below and as noted in the November 5, 2017 memo by Melinda Bessey, Development Planner:
- THAT the Owner shall pay LSRCA Review Fee in accordance with LSRCA Planning and Development Fees Policy (2017).
  - THAT the Owner submit a topographic survey prepared by an Ontario Land Surveyor to delineate boundary of floodplain hazard area.
  - THAT Owner submit a scoped EIS inclusive of a recommendation of the appropriate boundary to protect the on-site watercourse and woodland features (Please contact LSRCA to scope this study).
  - THAT the Owner shall submit a planting plan in accordance with recommendations of the EIS noted above.
  - THAT the lands within floodplain and vegetation protection zone shall be placed within an appropriate Environmental Protection Zone.
  - SHOULD any of these lands be incorporated into the Municipal Trail System, a Trails Impact Study will be required.
  - THAT the Owner shall obtain a permit from LSRCA for any works within an area governed by Ontario Regulation 179/06 under Conservation Authorities Act.

*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.*



**Schedule "B"**

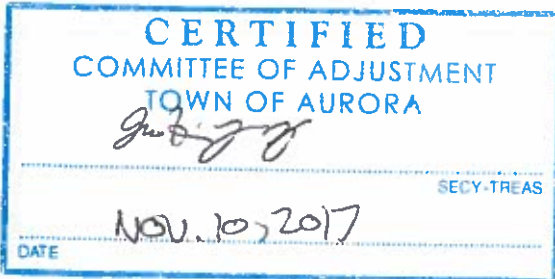
**REASONS FOR REFUSAL**

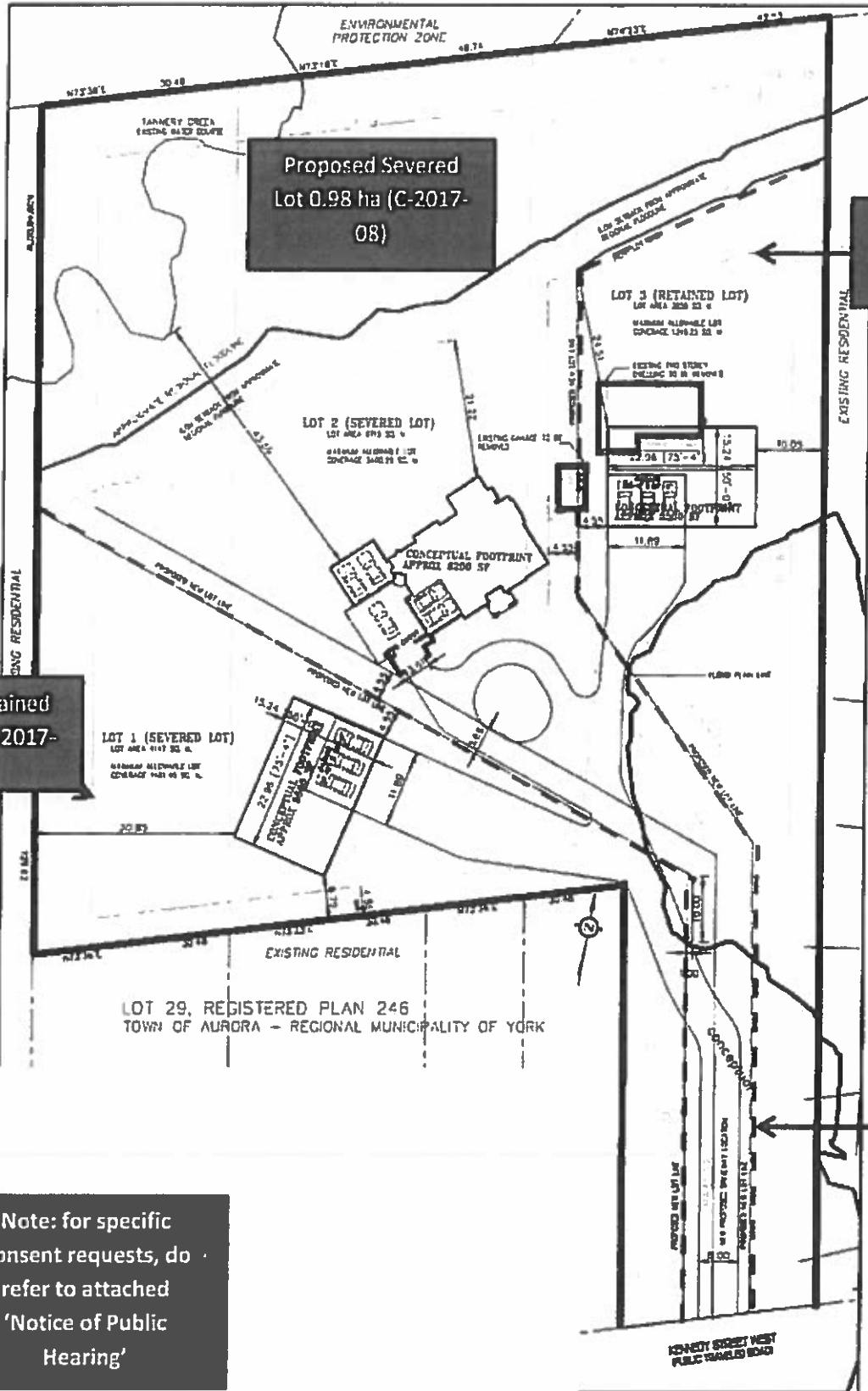
The Committee has based its decision on the legislative framework of the *Planning Act* and are in agreement with the comments provided by Planning & Development Services (attached herein); any additional rationale is noted below:

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Consent Sketch

Proposed Retained Lot 0.38 ha (C-2017-09)

Proposed Retained Lot 0.41 ha (C-2017-08)

Proposed shared single driveway access (C-2017-09)

Note: for specific Consent requests, do refer to attached 'Notice of Public Hearing'

