



100 John West Way,  
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Planning and Development Services  
Committee of Adjustment

**DECISION**


**FILE NUMBER:** MV-2018-36A  
**PROPERTY:** 23 Reuben Street  
**LEGAL DESCRIPTION:** Plan 30 Lot 34  
**APPLICANT:** Kazuba  
**DATE OF DECISION:** January 10, 2019

PURSUANT to Section 45 of the *Planning Act* with respect to the above noted Application the Committee of Adjustment ("Committee"), THAT:

It hereby does does not authorize the Minor Variance Application requesting relief from the Town of Aurora Zoning By-law 6000-17 as amended, respecting to permit a reduced easterly exterior side yard setback to 4.45 metres, thereby, requiring a variance of 1.55 metres.

The Committee has determined that the Application is is not a Minor Variance and that granting such relief is is not with in the intent of the Official Plan and Zoning By-law. Further, the Committee has determined that the Application is is not desirable for the appropriate development or use of the land. Where the Minor Variance has been authorize, the extent of the Minor Variance is limited to the encroachment indicated on the site plan drawing circulated with the Notice of Application.

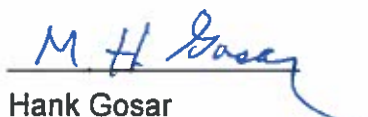
Concurring Members:

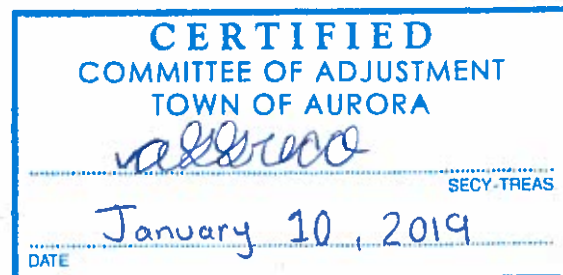
  
Grace Marsh, Chair

  
Tom Plamondon, Vice Chair

  
Roy Harrington

  
David Mhango

  
Hank Gosar





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Committee of Adjustment

**DECISION**


**FILE NUMBER:** MV-2018-36B  
**PROPERTY:** 23 Reuben Street  
**LEGAL DESCRIPTION:** Plan 30 Lot 34  
**APPLICANT:** Kazuba  
**DATE OF DECISION:** January 10, 2019


PURSUANT to Section 45 of the *Planning Act* with respect to the above noted Application the Committee of Adjustment ("Committee"), THAT:


It hereby does/does not authorize the Minor Variance Application requesting relief from the Town of Aurora Zoning By-law 6000-17 as amended, respecting to permit an eaves projection into the easterly exterior side yard to 1.85 metres, thereby, requiring a variance of 1.15 metres

The Committee has determined that the Application is/is not a Minor Variance and that granting such relief is/is not with in the intent of the Official Plan and Zoning By-law. Further, the Committee has determined that the Application is/is not desirable for the appropriate development or use of the land. Where the Minor Variance has been authorize, the extent of the Minor Variance is limited to the encroachment indicated on the site plan drawing circulated with the Notice of Application.

Concurring Members:

  
Grace Marsh, Chair

  
Tom Plamondon, Vice Chair

  
Roy Harrington

  
David Mhango

  
Hank Gosar

**CERTIFIED**  
COMMITTEE OF ADJUSTMENT  
TOWN OF AURORA  
  
SECY. TREAS.  
January 10, 2019  
DATE



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Planning and Development Services  
Committee of Adjustment

**DECISION**

**FILE NUMBER:** MV-2018-36C  
**PROPERTY:** 23 Reuben Street  
**LEGAL DESCRIPTION:** Plan 30 Lot 34  
**APPLICANT:** Kazuba  
**DATE OF DECISION:** January 10, 2019

PURSUANT to Section 45 of the *Planning Act* with respect to the above noted Application the Committee of Adjustment ("Committee"), THAT:

It hereby does/does not authorize the Minor Variance Application requesting relief from the Town of Aurora Zoning By-law 6000-17 as amended, respecting to permit a reduced southerly rear yard setback to 2.85 metres, thereby, requiring a variance of 4.65 metres.

The Committee has determined that the Application is/is not a Minor Variance and that granting such relief is/is not with in the intent of the Official Plan and Zoning By-law. Further, the Committee has determined that the Application is/is not desirable for the appropriate development or use of the land. Where the Minor Variance has been authorize, the extent of the Minor Variance is limited to the encroachment indicated on the site plan drawing circulated with the Notice of Application.

Concurring Members:

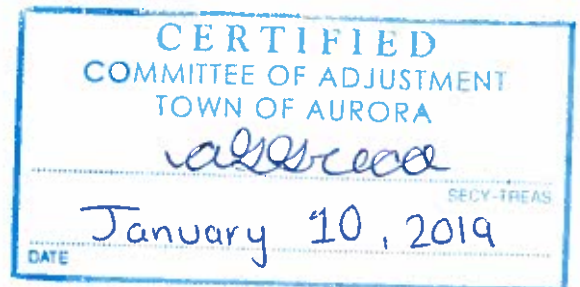
  
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Planning and Development Services  
Committee of Adjustment

**DECISION**

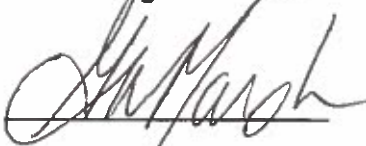
**FILE NUMBER:** MV-2018-36D  
**PROPERTY:** 23 Reuben Street  
**LEGAL DESCRIPTION:** Plan 30 Lot 34  
**APPLICANT:** Kazuba  
**DATE OF DECISION:** January 10, 2019

PURSUANT to Section 45 of the *Planning Act* with respect to the above noted Application the Committee of Adjustment ("Committee"), THAT:


It hereby does/does not authorize the Minor Variance Application requesting relief from the Town of Aurora Zoning By-law 6000-17 as amended, respecting to permit an eaves projection into the southerly rear yard to 2.55 metres, thereby, requiring a variance of 1.85 metres.

The Committee has determined that the Application is/is not a Minor Variance and that granting such relief is/is not with in the intent of the Official Plan and Zoning By-law. Further, the Committee has determined that the Application is/is not desirable for the appropriate development or use of the land. Where the Minor Variance has been authorize, the extent of the Minor Variance is limited to the encroachment indicated on the site plan drawing circulated with the Notice of Application.

Concurring Members:


  
Grace Marsh, Chair

  
Tom Plamondon, Vice Chair

  
Roy Harrington

  
David Mhango

  
Hank Gosar

**CERTIFIED**  
COMMITTEE OF ADJUSTMENT  
TOWN OF AURORA  
  
SECY-TREAS  
DATE January 10, 2019

## Schedule "A"

### CONDITIONS FOR APPROVAL:

1. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of Engineering and Capital Delivery Division; that the Applicant has satisfied all concerns below and as noted January 2, 2019 memo by Sabir Hussain, Municipal Engineer:
  - IES has no objection to the above noted variance application provided that a site grading plan prepared by a professional engineer is submitted demonstrating that the existing storm drainage will be maintained and that any proposed grading/drainage will not cause any adverse impacts on the neighbouring properties.
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 and as noted December 20, 2018 memo by Sara Tienkamp, Manager of Parks and Fleet:

There are trees are situated on the subject property that may be impacted by excavation or disturbance. 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.

In view of the above staff recommend that the Committee impose the following conditions in the event that this application is approved.

- 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

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DECISION

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 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
3. SUBMISSION to the Secretary-Treasurer of written confirmation from the Town's Director or designate of the Planning and Development Services; that the Applicant has satisfied all concerns below and as noted January 4, 2019 memo by Matthew Peverini, Planner:
- That the Owner to enter into an Agreement with the Town of Aurora pursuant to By-law Number 6106-18 (being a By-law to designate site plan control area) with the Town to ensure that the development and site alterations occur in accordance with the submitted drawings prepared by Michael Pettes Architects Inc. dated November 10, 2018.
4. That the Owner provide in writing clearance from applicable Utilities that the location of the proposed driveway will not impact the existing utility equipment shown on the Sit Plan.
5. That the responsible party ensures that the existing curb cut is filled accordingly and that there is only one curb cut on the subject property.
6. THAT the above noted conditions be satisfied within one year from the Notice of Decision, or the Variance will lapse requiring reapplication.



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Planning and Development Services  
Committee of Adjustment

DECISION

### 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 and Development Services (attached herein); any additional rationale is noted below:

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*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.*