



Town of Aurora
Committee of Adjustment Meeting Minutes
No. 17-05

Council Chambers
Aurora Town Hall
Thursday, May 11, 2017

Attendance

Committee Members Grace Marsh (Chair), Tom Plamondon (Vice-Chair), Roy Harrington, and David Mhango

Regrets Nick Racanelli

Other Attendees Justin Leung (Secretary-Treasurer), Marty Rokos (Planner), Sarah Murray (Council/Committee Secretary) and Linda Bottos (Council/Committee Secretary)

The Chair called the meeting to order at 7 p.m.

At 9:32 p.m. Madame Chair Marsh relinquished her seat for Item No. 9 and at 10:08 resumed her seat.

1. Declarations of Pecuniary Interest and General Nature Thereof

The Chair declared a Pecuniary Interest pursuant to the *Municipal Conflict of Interest Act* regarding Item 9 stating that her husband is employed by owner of the property.

2. Approval of the Agenda

Moved by Roy Harrington
Seconded by Tom Plamondon

That the agenda as circulated by the Secretary-Treasurer be approved.

Carried

3. Adoption of the Minutes

Committee of Adjustment Meeting Minutes of April 13, 2017
Meeting Number 17-04

Moved by Tom Plamondon
Seconded by David Mhango

That the Committee of Adjustment meeting minutes from Meeting Number 17-04 be adopted as printed and circulated.

Carried

4. Presentations of Applications

1. Consent Application: C-2017-03 – Cwenaar-Worthman **19-21 Machell Avenue**

The Applicant submitted an Application to sever 19 Machell Avenue, and retain 21 Machell Avenue.

The Chair read through the purpose of the application and the conditions recommended by staff, if approved. In attendance was the owner whom was in agreement with the conditions imposed.

Moved by David Mhango
Seconded by Tom Plamondon

That Consent Application C-2017-03 be APPROVED subject to conditions contained in the report.

Carried

2. Consent Application: C-2017-04 – Saadat

36 Mark Street

The Applicant submitted an Application to sever the owner's lands to create an additional lot that total two lots.

The Chair read through the purpose of the application and the conditions recommended by staff, if approved. In attendance was the owner was in agreement with the conditions imposed.

Kris Collins of 2 Keystone Court stated her property backs onto the subject land, and she is concerned about reduced privacy, potential mature tree removal, massing, general compatibility as well as the safety of children playing and further, she objects to zoning approval of this activity.

Pat Lalong of 102 Spruce Street echoed the previous speaker's concerns but added that her husband works nights noting that the noise from construction may cause her household disruption. She us concerned that the construction would further increase traffic and impact air quality. Ms. Lalong also raised concerns regarding the effect on property values as a result of this proposed severance.

Kurt and Bonnie Evans of Keystone Court echoed previous speaker concerns adding that the impact of the potential development on the maturity of the area and the school-zone safety may be compromised as a result; stating the area should be preserved. They also expressed concern regarding which trees would be removed as a result of the anticipated construction.

The Chair clarified for those present that the matter before the Committee was for a severance of lots, not approval for in-fill development however, in-fill development is common and occurs all across Ontario.

The Chair went over the conditional requirements as noted in the Staff Reports provided; acknowledging that a site plan was not required since the Planning Department does not require one at this stage.

It was noted by the Committee and confirmed by the Planner in attendance that preliminary zoning compliance was undertaken, and since the subject property is situated in a Heritage District Area any proposed development must conform to Heritage Planning requirements before a Building Permit may be issued.

It was noted by the Committee that all Reports regarding each Application are available to the public, encouraging residents to peruse materials as

most of the concerns that have been raised are addressed in these reports. Furthermore, the Permit, once issued is available for public view.

Moved by Tom Plamondon
Seconded by Roy Harrington

That Consent Application C-2017-04 be APPROVED subject to the conditions contained in the report.

Carried

3. Consent Application: C-2017-05– Watters
24 & 26 Bailey Crescent

The Applicant has submitted an Application to sever 26 Bailey Crescent, and retain 24 Bailey Crescent.

Debra Eveleigh was in attendance representing the owner(s) to explain the purpose for the request for the Consent. The parcels in question only recently merged when the owner of 24 Bailey Crescent purchased the adjacent 26 Bailey Crescent causing the abutting lots to merge in accordance with the *Planning Act*,

The Agent reiterated the relief being sought is to re-establish pre-existing lot boundaries for 24 and 26 Bailey Crescent, but also requested that Condition 2 regarding property survey be waived as neither parcel has undergone any alteration in property boundaries as the Consent Application is being requested simply to correct a *Planning Act* matter.

Moved by Tom Plamondon
Seconded by David Mhango

That Consent Application C-2017-05 be APPROVED subject to conditions contained in the report; and

That the second Condition be waived, all other conditions remain in effect.

Carried

4. Minor Variance Application: MV-2017-13- Aurora Investments Inc.
145 Industrial Parkway South, Unit 16 & 17

The Applicant submitted an Application to allow warehouse use within 60

metres of the east property line. Section 26.4.8.1 of the Zoning By-law allows (in part) warehouses and industrial uses, food processing establishments, light metal product plants, machine or welding shops, plumbing shops, printing establishments, saw or planing mills and sheet metal shops, not including any obnoxious use and provided, however said uses shall not be located within 60 metres of the east property line.

In attendance for one of the Applicants, Buddy's Kitchen situate at 145 Industrial Parkway Unit 14, was Peter Kauffman. The Applicant is proposing an addition to a pre-existing industrial building with warehouse which is situated 14.3 metres of east property line; thus requiring a Variance.

The east lot conditions were confirmed by the Planner and also confirmed that it complies with the Town's compatible uses as defined in the Zoning By-law.

Moved by Tom Plamondon
Seconded by Ray Harrington

That Minor Variance Application MV-2017-13 be APPROVED as presented.

Carried

5. Minor Variance Application: MV-2017-14 – Gineve Inc.
250 Don Hillock Drive, Unit 1

The Applicant has submitted an Application to allow reduction in required parking spaces for the purpose of a fitness centre. Section 27.D.4.6 of the Zoning By-law requires 159 parking spaces for the proposed fitness centre use.

The Applicant proposes 118 parking spaces on subject property; thus requiring Variance of 41 parking spaces.

In attendance was Bill Outred as Agent for the Applicant, Air Riderz Inc. The Applicant intends to open an indoor trampoline park which has proven successful across North America as well as other locations.

The Applicant expressed no concern regarding the reduction in parking as he does not anticipate high volume attendance, resulting in less parking area required to facilitate patrons.

Moved by Roy Harrington
Seconded by Tom Plamondon

That Minor Variance Application MV-2017-14 be APPROVED, as presented.

Carried

**6. Minor Variance Application: MV-2017-17 – 212 Earl Stewart Drive Inc.
212 Earl Stewart Drive, Unit 5**

The Applicant has submitted an Application to allow a commercial school as a permitted use. Section 23.3.3 of the Zoning By-law does not include commercial school as a permitted use.

David Troy was in attendance as the Architect for this proposal and the Applicant was in attendance in the gallery. The Applicant is proposing to allow a commercial school of performing arts within industrial unit 5 on the subject lands; thus requiring a Variance from this provision of the Zoning By-law.

The Committee sought clarity regarding the second floor, specifically, fire route access. Mr. Troy advised that as an Architect, he would speak to this regulation, advising that due to the foot print of the second floor, the requirement for additional fire route exits is not applicable.

The Planner advised that the proposed operation at unit 5 of 212 Earl Stewart Drive may complement the other businesses, and so, parking spaces are not an issue. The Committee relayed that more study may be required at a later date regarding this matter specifically.

Moved by Tom Plamondon
Seconded by Roy Harrington

That Minor Variance Application MV-2017-17 be APPROVED as presented.

Carried

**7. Minor Variance Application: MV-2017-11A-B – Lewis
122 Wells Street**

The Applicant submitted an Application to allow a reduction in front yard setback to construct a detached dwelling and reduction in minimum distance separation to front property line to construct open-sided roofed porch and

porch steps. Section 11.2.2 of the Zoning By-law requires minimum front yard setback of 6.0 metres.

The Applicant is proposing to construct a two storey detached dwelling which is 4.5 metres distance to front property line; thus requiring a Variance of 1.5 metres. Section 6.48.1 of the Zoning By-law requires encroachments for open-sided roofed porches to have minimum distance separation of 4.5 metres from front property line.

The Applicant is proposing to construct an open-sided roofed porch including steps which is 2.7 metres from front property line; thus requires a Variance of 1.8 metres.

In attendance was the Applicant Jason Lewis who stated that he had comments regarding two of the conditions imposed. Mr. Lewis confirmed that he intends to maintain the existing grading as well as drainage and that he would not be removing any existing trees. Mr. Lewis requested that the condition for an Evaluation Report prepared by a Certified Arborist or Professional Registered Forester be waived. The Committee stated this condition would be maintained but relief could be sought at the discretion of staff.

The Committee proposed that if no trees are to be removed, perhaps the vegetation compensation could be waived but this would be at the discretion of the Director of Parks and Recreation.

The Committee also requested more detail on the front bay window to determine the impact a front porch may have on the window. It was determined the window was supported by a concrete pad which alleviated any concerns by the Committee.

Moved by David Mhango
Seconded by Tom Plamondon

That Minor Variance Application MV-2017-11A-B be APPROVED subject to conditions contained in the report.

Carried

**8. Minor Variance Application: MV-2017-12A-B – Momot
32 Wells Street**

The Applicant has submitted an Application to allow an increase in maximum lot coverage to construct a one-storey detached dwelling and an increase in

maximum driveway width. Section 11.2.3 of the Zoning By-law permits maximum lot coverage of 35.0%.

The Applicant is proposing to construct a one storey detached dwelling with lot coverage of 39.35%; thus requiring Variance of 4.35%. Section 6.28.1.i(b) of the Zoning By-law permits maximum driveway width of 6.0 metres if lot frontage is greater than or equal to 9.0 metres and less than 18.0 metres.

The Applicant is proposing a driveway width of 6.6 metres; thus requiring Variance of 0.6 metres.

Shane Gregory, Agent was in attendance for the Applicant but had no concerns with the conditions imposed.

Moved by Roy Harrington
Seconded by David Mhango

That Minor Variance Application MV-2017-12A-B be APPROVED subject to conditions contained in the report.

Carried

9. Minor Variance Application: MV-2017-18A-B – Lorr Investments Limited in Trust
155 Edward Street, Unit 1

The Applicant submitted an Application to allow a place of assembly as a permitted use and a reduction in required parking spaces needed for public use of place of assembly. Section 25.4.8.1 of the Zoning By-law does not include place of worship as a permitted use.

The Applicant is proposing to allow a place of assembly within industrial unit 1 on the subject lands; thus requiring a Variance from this provision of the Zoning By-law. Section 6.26.1.7 of the Zoning By-law requires 10 parking spaces for each 90 square metres of floor area devoted to public use for places of assembly other than those specifically mentioned in the Zoning By-law.

The Applicant is proposing to use Unit 1 as a place of assembly which would require 97 parking spaces. The Applicant is proposing 75 parking spaces (as currently available on site); thus requiring a Variance of 22 parking spaces.

Heather Velma at 83 Cousins Drive expressed concern for the increase in traffic this proposal would encourage. There are 28 children that reside on Cousins Drive and she is concerned for their safety. Ms. Velma also noted that the zoning for area that the Applicant is seeking relief is classed M1. She requested information on what days and hours that operation is anticipated to impact local residents to better understand the impact this approval may have on the area.

James Claire of Royal Road agreed with the Applicant and the Resident, noting concern for the busy nature of this area at all hours of any day. Mr. Claire is concerned with additional cars parking on the street and the impact this may have on fire and rescue services attending emergency calls.

Jim Caroli of 159 Edward Street expressed similar concerns, noting that the relief being sought in his view is not minor and that variances beyond minor typically require a site plan review.

The Committee respectfully responded to the concerns raised by stating that the issues raised have been long standing for the area in question, encouraging concerned citizens to bring any issues to the Mayor or Council to begin the process of addressing concerns for the area.

The Applicant confirmed that the existing parking spaces available for this Unit are acceptable. The Applicant does not foresee an overflow of parking on the street or neighbouring units, to occur.

Regarding the IES Memo dated April 25, 2017 from the Municipal Engineer, the Committee supported revising the condition to read "...nearby owner's properties..." to ensure no encumbrance may occur without permission.

Moved by David Mhango
Seconded by Roy Harrington

That Minor Variance Application MV-2017-18A-B be APPROVED subject to conditions contained in the report.

Carried

**10. Minor Variance Application: MV-2017-15A-C – Stanek
672 Henderson Drive**

The Applicant has submitted an Application to allow construction of a detached dwelling within the Oak Ridges Moraine key natural heritage

features, Minimum Vegetation Protection Zone and Significant Woodland and Category 2 lands. Section 34.1.2(ii) of the Zoning By-law states no development or site alteration shall occur on portion of lot that is within key natural heritage features, as shown on Schedule B, to this Zoning By-law, without an amendment to, or relief from the Zoning By-law.

The Applicant is proposing 610.0 m² detached dwelling and 231.5 m² driveway; thus requiring a Variance from this provision of the Zoning By-law. Sections 34.1.3(i) and 34.1.4(i) of the Zoning By-law states that no development or site alteration shall occur on portion of lot that contains Significant Woodland or one or more Minimum Vegetation Protection Zone as shown on Schedule B of the Zoning By-law, without amendment to, or relief from the Zoning By-law.

The Applicant is proposing 610.0m² detached dwelling and 231.5 m² driveway where entire lot is impacted by Significant Woodland or Minimum Vegetation Protection Zones, thus requiring a Variance from this provision of the Zoning By-law. Section 34.4.3(i) of the Zoning By-law states that notwithstanding Subsection 34.4.1 no development or site alteration shall occur on Category 2 lands identified on Schedule E of the Zoning By-law, without amendment to, or relief from the Zoning By-law.

The Applicant is proposing 610.0 m² detached dwelling and 231.5 m² driveway, thus requiring a Variance from this provision of the Zoning By-law.

Moved by Tom Plamondon
Seconded by Roy Harrington

That Minor Variance Application MV-2017-15A-C be DEFERRED.

Carried

**11. Minor Variance Application: MV-2017-16A-C – Losar Developments Inc.
684 Henderson Drive**

The Applicant has submitted an Application to allow construction of a detached dwelling within the Oak Ridges Moraine key natural heritage features, Minimum Vegetation Protection Zone and Significant Woodland and Category 2 lands. Section 34.1.2(ii) of the Zoning By-law states no development or site alteration shall occur on portion of lot that is within key natural heritage features, as shown on Schedule B, to this Zoning By-law,

without an amendment to, or relief from the Zoning By-law.

The Applicant is proposing 1425.0 m² detached dwelling and 922.2 m² driveway; thus requiring a Variance from this provision of the Zoning By-law. Sections 34.1.3(i) and 34.1.4(i) of the Zoning By-law states that no development or site alteration shall occur on portion of lot that contains Significant Woodland or one or more Minimum Vegetation Protection Zone as shown on Schedule B of the Zoning By-law, without amendment to, or relief from the Zoning By-law.

The Applicant is proposing 1425.0m² detached dwelling and 922.2 m² driveway where entire lot is impacted by Significant Woodland or Minimum Vegetation Protection Zones, thus requiring a Variance from this provision of the Zoning By-law. Section 34.4.3(i) of the Zoning By-law states that notwithstanding Subsection 34.4.1 no development or site alteration shall occur on Category 2 lands identified on Schedule E of the Zoning By-law, without amendment to, or relief from the Zoning By-law.

The Applicant is proposing 1425.0 m² detached dwelling and 922.2 m² driveway, thus requiring a Variance from this provision of the Zoning By-law.

Moved by Tom Plamondon
Seconded by Roy Harrington

That Minor Variance Application MV-2017-16A-C be DEFERRED.

Carried

12. Minor Variance Application: MV-2017-19A-D – Aurora Century Properties 4 Don Hillock Drive

MV-2017-19A is an application to allow an increase in maximum floor area ratio, increase in maximum height, reduction in required parking spaces and an increase in the ingress and egress to and from parking spaces to facilitate development of a hotel. Section 27.D.4.4 of the Zoning By-law requires maximum floor area ratio of 50%.

MV-2017-19B is an application proposing an increase in maximum height to facilitate development of a hotel. Section 27.D.4.4 of the Zoning By-law requires maximum height of 4 storeys. The Applicant is proposing height of 6 storeys; thus requiring Variance of 2 storeys. Section 27.D.4.6 of the Zoning By-law requires 208 parking spaces.

MV-2017-19C is an application proposing 121 parking spaces; thus requiring a Variance of 87 parking spaces. Section 6.27.8(a) of the Zoning By-law states ingress and egress, to and from required parking spaces is between 4 and 9 metres in width.

MV-2017-19D is an application proposing 9.40 metres for the entrance/exit at Don Hillock Drive, exceeding allowable by 0.40 metres, thus requiring relief from this provision of the By-law.

In attendance for the Applicant was the Architect for Aurora Century Properties. The Applicant intends to develop a 6 storey limited service hotel and is in agreement with all of the conditions imposed for approval.

The Committee sought clarity on the ground floor drawing, and the issue of parking during conferences and events. The Applicant representative stated that while there are plans to have conference rooms, they will be limited to use by clients only and therefore additional parking will not be required.

The Committee recommended that York Regional Road setbacks be maintained at 36 metres, as noted in email correspondence from York Region to the Town on May 8, 2017 at 10:05 a.m. regarding this Minor Variance Application.

Moved by David Mhango
Seconded by Roy Harrington

That Minor Variance Application MV-2017-19A-D be APPROVED subject to conditions contained in the report and supplementary condition regarding regional road setbacks, as noted.

Carried

5. New Business

The Committee raised the issue of member attendance as three consecutive meetings have occurred at which a member has not been in attendance. The Committee is seeking direction from the Town Clerk on rectifying this matter in order to comply with the Terms of Reference governing the structure of the Committee of Adjustment.

6. Adjournment

Moved by Tom Plamondon

That the meeting be adjourned at 9:51 p.m.

Confirmed in open session this 11th day of May, 2017.

Grace Marsh, Committee Chair

Justin Leung, Secretary-Treasurer