



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: MV-2017-35A-B
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 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), 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.

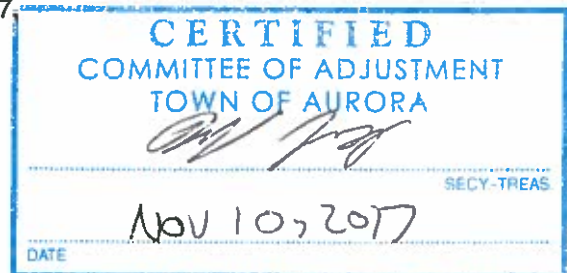
Should no appeal be filed within the applicable time period, this Notice of Decision, subject to any conditions imposed by the Committee of Adjustment, becomes final and binding and notice to that effect will be issued by the Secretary-Treasurer. For your information, the lands, which are the subject of this Application, are also subject to Consent Applications (file NOs. C-2017-08 and C-2017-09) and Minor Variance Applications (file NOs. MV-2017-34A-C 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 10th day of, November, 2017.



 Justin Leung
 Secretary-Treasurer
 Committee of Adjustment/Planning Technician





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TOWN OF AURORA
 Planning and Building Services

Committee of Adjustment

DECISION

FILE NUMBER: MV-2017-35A
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 45(5) 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 2213-78 as amended, respecting to allow reduction in lot frontage.

The Committee has determined that the Application ~~is/is~~ **is not** a Minor Variance and that granting such relief ~~is/is~~ **is not** within the intent of the Official Plan and Zoning By-law. Further, the Committee ~~has~~ determined that the Application ~~is/is~~ **is not** desirable for the appropriate development or use of the land. Where the Minor Variance has been authorized, it is based on substantial conformity with the site plan drawings circulated by the Committee.

Where applicable, conditions are attached as Schedule "A" hereto. Where conditions are imposed, the granting of this Application is subject to and entirely conditional upon the fulfilment of all such conditions to the satisfaction of the Committee.

Concurring Members:

Grace Marsh, Chair

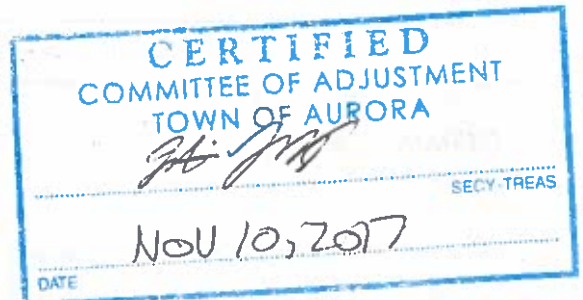
Tom Plamondon, Vice Chair

Roy Harrington

ABSENT

David Mhango

Hank Gosar



REASONS FOR DECISION

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 Building Services (attached herein); any additional rationale is noted below:

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.

CONDITIONS:

1. 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.

CERTIFIED
COMMITTEE OF ADJUSTMENT
TOWN OF AURORA
[Signature]
SECY-TREAS.

NOV 10, 2017

2. 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 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 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

3. 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).

CERTIFIED
COMMITTEE OF ADJUSTMENT

TOWN OF AURORA

- THAT the Owner submit a topographic survey prepared by an Ontario Land Surveyor to delineate boundary of floodplain hazard area.

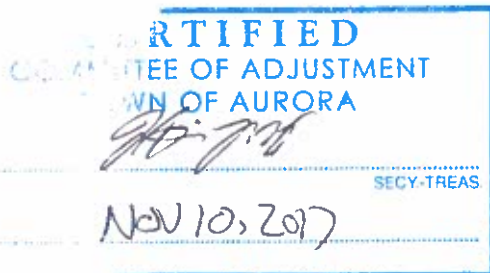
- THAT Owner submit a scoped EIS inclusive of a recommendation of the appropriate

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.
4. THAT the above noted conditions be satisfied within one year from the Notice of Decision, or the Variance may lapse requiring reapplication.

RECOMMENDATION:

- That resident of 180 Kennedy Street West be contacted by town staff to discuss servicing and other relevant issues due to this proposed development towards their own property.





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TOWN OF AURORA
 Planning and Building Services

Committee of Adjustment

DECISION

FILE NUMBER: MV-2017-35B
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 45(5) 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 2213-78 as amended, respecting to allow increase in building height.

The Committee has determined that the Application ~~is~~ **is not** a Minor Variance and that granting such relief ~~is~~ **is not** within the intent of the Official Plan and Zoning By-law. Further, the Committee ~~has~~ **has** determined that the Application ~~is~~ **is not** desirable for the appropriate development or use of the land. Where the Minor Variance has been authorized, it is based on substantial conformity with the site plan drawings circulated by the Committee.

Where applicable, conditions are attached as Schedule "A" hereto. Where conditions are imposed, the granting of this Application is subject to and entirely conditional upon the fulfilment of all such conditions to the satisfaction of the Committee.

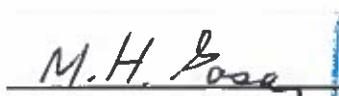
Concurring Members:



 Grace Marsh, Chair


 Tom Plamondon, Vice Chair


 Roy Harrington

ABSENT
 David Mhango


 Hank Gosar

CERTIFIED
 COMMITTEE OF ADJUSTMENT
 TOWN OF AURORA

 Nov 10, 2017
 DATE
 SECY-TREAS

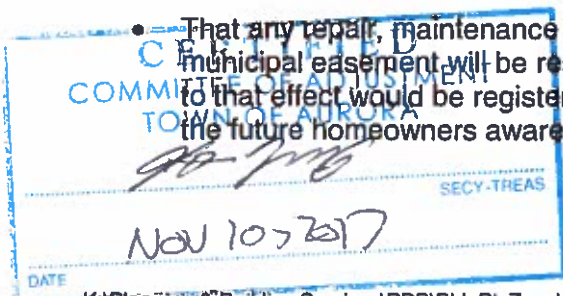
REASONS FOR DECISION

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 Building Services (attached herein); any additional rationale is noted below:

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.

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 - 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.



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- 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 resulting action items required by the Arborist /Forester shall be implemented and confirmed on site forthwith by the Arborist /Forester following each visit.
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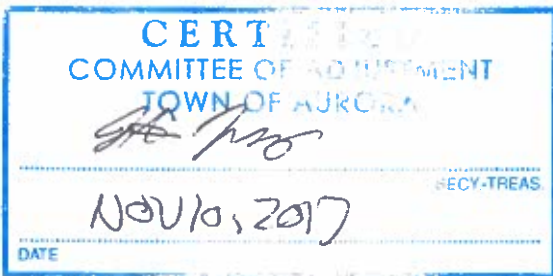
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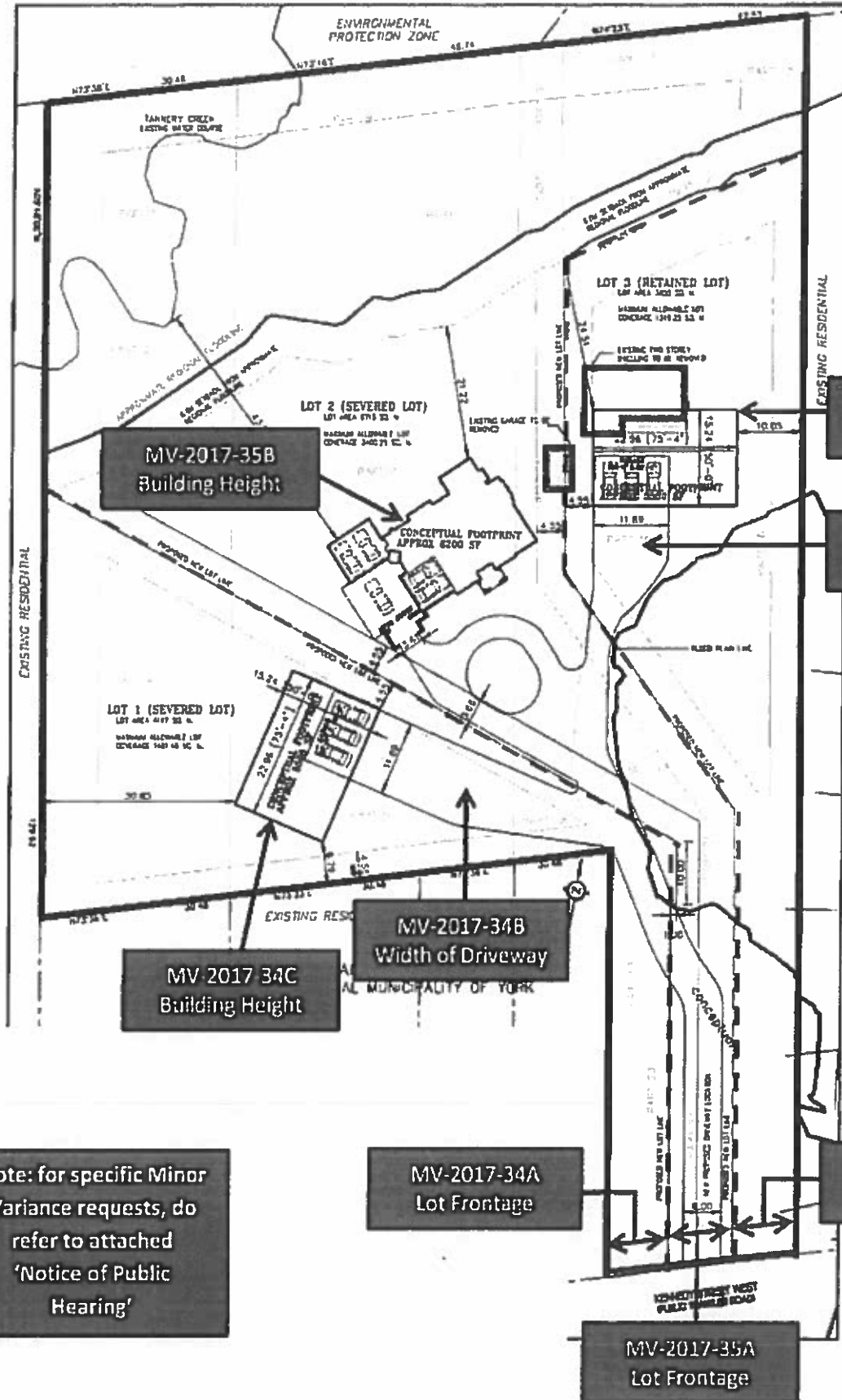
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boundary to protect the on-site watercourse and woodland features (Please contact LSRCA to scope this study).

- THAT the Owner shall submit a planting plan in accordance with recommendations of the EIS noted above.
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4. THAT the above noted conditions be satisfied within one year from the Notice of Decision, or the Variance may lapse requiring reapplication.



RECOMMENDATION:
- That resident of 180 Kennedy Street West be contacted by town staff to discuss servicing and other relevant issues due to this proposed development towards their own property.



Minor Variance Sketch

MV-2017-35B
Building Height

MV-2017-36C
Building Height

MV-2017-363
Width of Driveway

MV-2017-34C
Building Height

MV-2017-348
Width of Driveway

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

MV-2017-34A
Lot Frontage

MV-2017-36A
Lot Frontage

MV-2017-35A
Lot Frontage

