



**TOWN OF AURORA**  
**COMMITTEE OF ADJUSTMENT MEETING MINUTES**  
**NO. 14-05**

Council Chambers  
Aurora Town Hall  
Thursday, May 8, 2014

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**ATTENDANCE**

**COMMITTEE MEMBERS**

Hank Gosar (Chair), Grace Marsh (Acting-Chair),  
David Mhango, Carl Barrett and Roy Harrington

**REGRETS**

**OTHER ATTENDEES**

Justin Leung (Acting Secretary-Treasurer), Glen  
Letman (Manager, Development Planning) and Jeff  
Healey (Planner)

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Chair called the meeting to order at 7:04 p.m.

**I DECLARATIONS OF PECUNIARY INTEREST**

**II APPROVAL OF AGENDA**

*Moved by Roy Harrington*

*Seconded by Grace Marsh*

THAT the Agenda as circulated by the Secretary-Treasurer be approved  
as presented.

**CARRIED**

**III ADOPTION OF MINUTES**

**Committee of Adjustment Minutes of April 10, 2014**  
**Meeting Number 14-04**

*Moved by David Mhango*

*Seconded by Carl Barrett*

THAT the Committee of Adjustment Minutes from Meeting Number 14-04  
be adopted as printed and circulated.

**CARRIED**

**IV PRESENTATION OF APPLICATIONS**

- 1. Minor Variance application: D13-11-14 (Aurora Small Engine Repair Inc.)  
305 Industrial Parkway South, Unit 27**

The applicant is seeking relief from the provisions of Zoning By-law No. 2213-78,  
as amended, respecting to allow for a heavy repair shop business.

The Chair read through the purpose of the application. In attendance was the  
agent Katharine Yardley of Laurion Law Office. Ms. Yardley requested a deferral  
of the application for one month as the applicant was out of town and wanted to  
be present at the meeting when his application was going to be discussed.

*Moved by Grace Marsh*

*Seconded by Roy Harrington*

THAT minor variance application D13-11-14 (Aurora Small Engine Repair Inc.) be deferred to the June 12, 2014 Committee of Adjustment meeting.

**CARRIED**

**2. Minor Variance application: D13-07-14 (Butyikin)  
67 Child Drive**

The applicant is seeking relief from the provisions of Zoning By-law No. 2213-78, as amended, respecting to allow a reduction in the side yard setback.

Note: Application D13-07-14 was deferred from the April 10, 2014 Committee of Adjustment meeting to allow the applicant to work with staff on issues regarding the proposed carport addition.

The Chair read through the purpose of the application. In attendance was the applicant Janusz Butyikin.

Mr. Butyikin stated that he applied for this variance to ensure safe passage to his garage in the rear portion of his property.

The Chair then asked if there were any members of the public who wished to speak in relation to this application.

Resident Adam Aldridge of 59 Child Drive spoke in opposition to the Minor Variance application. Mr. Aldridge stated that he wanted to see the applicant finish construction work on the garage structure in the rear of his property prior to doing construction work on his house.

Resident Brunie Butnyk of 65 Child Drive also spoke in opposition to the Minor Variance application. Ms. Butnyk indicated that she was concerned with drainage and its effects on her property.

Resident Mike Andrews of 61 Child Drive also spoke in opposition to the Minor Variance application. Mr. Andrews was concerned with the size of the addition that the applicant was proposing.

Resident Leo Klein of 63 Child Drive also spoke in opposition to the Minor Variance application. Mr. Klein expressed concern about the garage built in the rear of the property and with this proposed variance will allow a structure to be built that will be out of character with the rest of the neighbourhood.

The Committee then asked when the garage in the rear of the property would be completed.

Mr. Butyikin stated that he had spoken to Building Department staff and that it would be completed by September 2014. As the roofline on his second storey had been deteriorating that is why he had placed a tarp on it.

The Committee asked staff what is the typical width for the driveway or drive through area.

Staff responded that it is typically 7.4 metres for a parking lot with parking on both sides but there is no by-law standard for single driveways. Staff indicated that if the driveway was 3 metres and the setback was 1.2 metres, then this variance would not be required.

The Committee then asked about lot coverage requirements.

Staff stated that this property's requirement is 35% lot coverage. With respects to the accessory garage in the rear portion of the property, the requirement is 15%. The garage in question is at 14.97% so it meets the by-law requirement.

The Committee asked the applicant regarding positive drainage being maintained on his property.

Mr. Butykin responded that drainage would not affect his neighbours. The lowest point where there was water runoff was closer to Henderson Street. He also indicated that his property was being affected by water running off from his neighbour's properties.

The Committee then asked how this revised application was substantially different than what the applicant had previously applied for.

Staff responded that the character of the neighbourhood is stable. Most have similar setbacks on their properties. There have been variances that have been applied for in the area. Staff see this revised application as in keeping with the overall neighbourhood composition.

The Committee then asked about the recommended condition on the hedgerow to be maintained and how it would be implemented.

Staff indicated that the details of this proposed screening would be looked at later. Staff would look at measures to ensure that the hedgerow was maintained during construction by the applicant of his carport addition.

The Chair stated that the applicant has had history with his neighbours. However, the Committee's role was to look only at the variance. The Chair raised concerns about the future second storey addition and its compatibility with the neighbourhood.

**Moved by David Mhango**

**Seconded by Roy Harrington**

THAT minor variance application D13-07-14 (Butykin) be denied.

**CARRIED**

**3. Minor Variance application: D13-10-14 (Fuksman)  
85 Batson Drive**

The applicant is seeking relief from the provisions of Zoning By-law No. 2213-78, as amended, respecting to allow for a dog grooming, boarding and dog daycare business.

The Chair read through the purpose of the application. In attendance was the applicant Inna Fuksman and her son Daniel Fuksman who was representing the applicant.

Mr. Fuksman stated that the applicant would only have one dog at a time. Clients can park on their driveway and the business was operated in a boutique type manner.

The Chair the asked if there were any members of the public who wished to speak in relation to this application.

Resident Eric Blaschke of 93 Batson Drive spoke in opposition to the application. He stated that such a business should be located in a commercial or industrial area as opposed to a residential area.

Resident John Gonslaves of 72 Batson Drive also spoke in opposition to the application. He raised concerns about the barking of the dogs, sanitation issues for the area and that the business could not be properly policed and regulated.

Resident Jane Graves of 67 Batson Drive also spoke in opposition to the application. She was concerned about the business operation affecting home values in the area and the safety of children walking through the area due to the close proximity of a school.

Resident Rick Similas of 75 Batson Drive also spoke in opposition to the application. Mr. Similas was concerned about the number of dogs that could potentially be serviced at this subject property.

The Committee asked the applicant if there was any boarding of animals or any plans to expand the business.

Mr. Fuksman responded that there was no boarding of animals in the past and that they had no plans to expand the business.

The Committee then asked how staff derived their recommended restriction of no more than 3 dogs at any time on the subject property.

Staff stated that a separate Animal Control By-law had been passed in 2005 permitting a maximum of 3 dogs per establishment. There is also no exemption to this by-law.

The Committee asked the applicant if they were aware of the recommended restriction. The applicant indicated that she was.

**Moved by Carl Barrett**

**No seconder**

THAT minor variance application D13-10-14 (Fuksman) be approved.

#### THE MOTION FAILED TO CARRY

**Moved by Grace Marsh**

**Seconded by David Mhango**

THAT minor variance application D13-10-14 (Fuksman) be denied.

**CARRIED**

4. **Consent and Minor Variance applications: D10-01-14 (Yonge Street Development Inc.), D10-02-14 (Old Town Hall Partnership) and D13-(12A-F)-14 (Yonge Street Development Inc.)  
15217 Yonge Street and 15221 Yonge Street**

Note: The Committee combined the three applications together (consent and minor variances).

The applicant has submitted an application to allow for consent to grant easement over a portion of the subject lands marked 'Shared Driveway Easement' on the Sketch attached to the Public Notice for access, in favour of the northerly abutting lands (15221 Yonge Street). The Official Plan designation is Aurora Promenade and the subject lands are zoned Central Commercial (C2) Zone (Application D10-01-14).

The applicant has submitted an application to allow for consent to grant easement over a portion of the subject lands marked 'Shared Driveway Easement' on the Sketch attached to the Public Notice for access, in favour of the southerly abutting lands (15217 Yonge Street). The Official Plan designation is Aurora Promenade and the subject lands are zoned Central Commercial (C2) Zone (Application D10-02-14).

The applicant is seeking relief from the provisions of Zoning By-law No. 2213-78, as amended, respecting variances to allow revision to parking requirements, maneuvering, parking setback and the minimum floor area of the residential portion of a building in a Commercial Zone (C2) Zone (Application D13-(12A-F)-14).

The Chair read through the purpose of the application. In attendance were agents Jack Dougan and Jeff Mark representing the applicant.

Mr. Dougan explained to the Committee that this application related to a tiny infill site in the downtown area of Aurora. They had applied for had been given site plan approval by Town Council on March 18, 2014. This was a 5 storey development which was consistent with the Aurora Promenade policies as outlined in the Town's Official Plan. However, as the Zoning By-law and Promenade policies are not in sync this is why they have submitted a variance application.

Mr. Marks, the traffic and parking consultant for the applicant, then stepped forward to discuss the parking situation for the subject property.

Mr. Marks stated that the Official Plan (OP) policies indicated a requirement for 14 parking spaces. Their proposal outlines 12 parking spaces, with a deficiency of 2 spaces. However, the Promenade policies do allow for cash-in-lieu for parking which the applicant would be requesting. However, Mr. Marks indicated that the parking arrangement would work. With the development of the Viva bus rapid transit system along Yonge Street that would also decrease the demand for parking. He also indicated that there is some on-street parking in the area with municipal parking to the east of the subject property.

The Chair then asked if there were any members of the public who wished to speak in relation to this application.

A spokesman for property-owner Corinne McConnell of 17 Wellington Street East spoke in opposition to the applications. Ms. McConnell was concerned about the proposed access easements and that it would result in the loss of access for her property's garages.

Mr. Dougan responded that the other applicant involved in these shared access easements had stated that he would not block access for property-owners to the north of this subject property for vehicular access.

The Committee then asked staff about the garage for 17 Wellington Street East and access.

Staff responded that the shared access easements would not alter the current access configuration.

Property-owner Afsaneh Asghari of 15225 Yonge Street also spoke in opposition to the applications.

Ms. Asghari stated that her property was just north of 15221 Yonge Street. She was also concerned about the loss of vehicular access.

Staff responded that the current access and parking configuration on the subject properties is not uncommon in downtowns across Southern Ontario and that parking and access have remained the same due to an informal understanding and co-operation amongst the property-owners.

The Committee then inquired about cash-in-lieu for parking and how the funds would be utilized.

Staff stated that monies would be placed in a special fund that would be used to finance parking initiatives across the town. Staff went on to state that the current commercial and residential parking requirements of the by-law were developed in 1978 and did not have specific policies for certain areas like the Promenade. More specific policies have now been developed in discussion with Town Council which allow for a formula based approach to areas like the Promenade.

The Committee then proposed two additional conditions could be included in the applications to address continued assured vehicular access for properties to the north of the subject properties and also to ensure snow removal is done in the parking area of the subject properties.

Staff stated that this could be done.

**Moved by Grace Marsh**

**Seconded by Carl Barrett**

THAT consent application D10-01-14 (Yonge Street Development Inc.) be approved with additional condition to address point of access for properties to the north of this subject property.

**CARRIED**

**Moved by Grace Marsh**

**Seconded by Carl Barrett**

THAT consent application D10-02-14 (Old Town Hall Partnership) be approved.

**CARRIED**

**Moved by Grace Marsh**

**Seconded by Carl Barrett**

THAT minor variance application D13-(12A-F)-14 (Yonge Street Development Inc.) be approved with the additional condition to address snow removal on the subject property.

**CARRIED**

**V NEW BUSINESS/GENERAL INFORMATION**

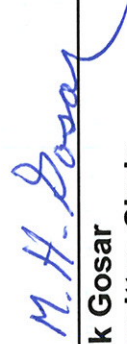
**VI ADJOURNMENT**


**Moved by Carl Barrett**

THAT the meeting be adjourned at 9:43 p.m.

**CARRIED**

Confirmed in open session this 12<sup>th</sup> day of June 2014.

  
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Hank Gosar  
Committee Chair

  
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Justin Leung,  
Acting Secretary-Treasurer