



**TOWN OF AURORA
COMMITTEE OF ADJUSTMENT MEETING MINUTES
NO. 15-10**

Council Chambers
Aurora Town Hall
Thursday, October 8, 2015

ATTENDANCE

COMMITTEE MEMBERS

Carl Barrett (Vice-Chair), Roy Harrington, David Mhango and Tom Plamondon

REGRETS

Grace Marsh (Chair)

OTHER ATTENDEES

Justin Leung (Secretary-Treasurer) and Marty Rokos (Planner)

Chair called the meeting to order at 7:00 p.m.

I DECLARATIONS OF PECUNIARY INTEREST

- None

II APPROVAL OF AGENDA

Moved by Ray Harrington

Seconded by David Mhango

THAT the Agenda as circulated by the Secretary-Treasurer be approved with the following revision: item number 5 be moved to be item number 1.

CARRIED

III ADOPTION OF MINUTES

**Committee of Adjustment Minutes of September 10, 2015
Meeting Number 15-10**

Moved by Tom Plamondon

Seconded by David Mhango

THAT the Committee of Adjustment Minutes from Meeting Number 15-10 be adopted as printed and circulated.

CARRIED

IV PRESENTATION OF APPLICATIONS

**1. Minor Variance Application: MV-2015-31A-C – Ofield
17 Steeplechase Avenue**

The Applicant has submitted an Application to allow the construction of a two storey dwelling within the Oak Ridges Moraine. Sections 34.1.3 and 34.1.4 of the Zoning By-law states that no development or site alteration shall occur on that portion of the lot that contains a Significant Woodland or one or more Minimum Vegetation Protection Zones as shown on 'Schedule B' of the By-law without amendment to, or relief from the Zoning By-law. The Applicant is proposing to construct a 1078 m² two storey detached dwelling where the entire lot is within a Significant Woodland or Minimum Vegetation Protection Zones; thus requiring a Variance (MV-2015-31A). Section 34.4.1.(ii) of the Zoning By-law states that net developable area of the site that has impervious surfaces shall not exceed 15.0% of the total site area within a Category 1 Landform Conservation Area. The Applicant is proposing an impervious area of 20%; thus requiring a Variance of 5% (MV-2015-31B). Section 34.4.1.(i) of the Zoning By-law states that net developable area of the site that has disturbed surfaces shall not exceed 25.0% of the total site area within a Category 1 Landform Conservation Area. The Applicant is proposing a disturbed area of 44%; thus requiring a Variance of 19% (MV-2015-31C).

David Brown of David Small Designs appeared for the Applicant and requested a deferral of the Application so that the Applicant can revise the Natural Heritage Evaluation in accordance with consultations with Planning staff.

Moved by Tom Plamondon

Seconded by Roy Harrington

THAT Minor Variance Application MV-2015-31A-C be DEFERRED.

CARRIED

**2. Consent Application: C-2015-03 – Aurora Retail GP Ltd.
15630 Bayview Avenue**

The owner is seeking a Consent to Lease lands to the LA Fitness site for a period which exceeds 21 years.

The Chair read through the purpose of the Application. In attendance was Zachary Stokes of Rice Group. Mr. Stokes stated they understood and accepted the recommended conditions.

Moved by David Mhango

Seconded by Roy Harrington

THAT C-2015-03 be APPROVED subject to the conditions contained in the report.

CARRIED

**3. Consent Application: C-2015-04 – Aurora Retail GP Ltd.
15650 Bayview Avenue**

The owner is seeking a Consent to Lease lands to the Michel-Angelo's site for a period which exceeds 21 years.

The Chair read through the purpose of the Application. In attendance was Zachary Stokes of Rice Group. Mr. Stokes stated they understood and accepted the recommended conditions.

Moved by Roy Harrington

Seconded by Tom Plamondon

THAT C-2015-04 be APPROVED subject to the conditions contained in the report.

CARRIED

**4. Minor Variance Application: MV-2015-29A-B – Skygrove Developments Inc.
233 Earl Stewart Drive, Units 1 to 5**

The Applicant has submitted an Application to allow a reduction in parking spaces and to allow 'Daycare Centre' as a permitted use. Section 6.26.1.3 of the Zoning By-law states that shopping centres with a gross leasable floor area ('GLA') that does not exceed 28, 000 square metres shall have a minimum of 4.5 spaces for each 100 square metres of GLA. The Applicant is proposing 133 parking spaces, at a parking rate of 3.7 spaces/100 m² GLA; thus requiring a Variance of 30 spaces (MV-2015-29A). Section 23.A.1 a) of the Zoning By-law does not include 'Daycare Centre' as a permitted use. The Applicant is proposing to allow 'Daycare Centre' in addition to the permitted uses on the subject lands (MV-2015-29B).

The Chair read through the purpose of the Application. In attendance was Joseph Pavia of Treasure Hill Commercial. Mr. Pavia stated that they understood and accepted the recommended conditions.

The Committee inquired about how parking and traffic would be affected by this proposed daycare. Mr. Pavia indicated that traffic would be confined to two time periods during the day for pick up and drop off of children. The parents would also be advised of parking assignment within the plaza.

The Committee then asked about what would happen if this day care use ceased operations and a new retail use took its place. Staff responded that if retail use did occur, the plaza would still have a surplus of parking as per the Town's Zoning By-law requirements.

Richard Pernekie of NXT Trans, the traffic engineer for the Applicant, then described that the day care use was temporal and would only have traffic impact during certain times of the day. In addition, they also looked at comparable sites to assess their traffic and parking situation. They assessed other proximity sites in Aurora and a McDonald's Restaurant retail plaza in Newmarket.

Moved by David Mhango

Seconded by Roy Harrington

THAT Minor Variance Application MV-2015-29A-B be APPROVED subject to the conditions contained in the report.

Tom Plamondon Opposed

CARRIED

**5. Minor Variance Application: MV-2015-30A-M – Casing Developments Inc.
1114 Wellington Street East**

The Applicant has submitted an Application to allow a reduction in setbacks to allow the construction of 8 row dwelling (townhouse) units.

MV-2015-30A: Section 15.57.2.2 of the Zoning By-law requires a minimum rear yard of 5.3 metres. The Applicant is proposing to construct a row dwelling (townhouse) unit which is 4.7 metres to the rear property line; thus requiring a Variance of 0.6 metres.

MV-2015-30B: Section 15.58.2.2 of the Zoning By-law requires a minimum exterior side yard of 3.0 metres. The Applicant is proposing to construct a row dwelling (townhouse) unit which is 2.9 metres to the exterior side property line; thus requiring a Variance of 0.1 metres.

MV-2015-30C: Section 15.58.2.2.3 of the Zoning By-law requires a minimum exterior side yard of 2.0 metres. The Applicant is proposing to construct a row dwelling (townhouse) unit which is 1.9 metres to the exterior side property line; thus requiring a Variance of 0.1 metres

MV-2015-30D: Section 15.58.2.2 of the Zoning By-law requires minimum distance separation of 6.0 metres between the main building and the detached garage. The Applicant is proposing to construct a detached garage which is 5.7 metres to the row dwelling (townhouse) unit; thus requiring a Variance of 0.3 metres.

MV-2015-30E: Section 15.58.2.2 of the Zoning By-law requires minimum distance separation of 6.0 metres between the main building and the detached garage. The Applicant is proposing to construct a detached garage which is 5.7 metres to the row dwelling (townhouse) unit; thus requiring a Variance of 0.3 metres.

MV-2015-30F: Section 15.57.2.4.1 of the Zoning By-law requires a minimum garage setback of 9.5 metres where a garage accessed by a single driveway is intersected by a sidewalk. The Applicant is proposing to construct an attached garage which is 8.7 metres to the front property line; thus requiring a Variance of 0.8 metres.

MV-2015-30G: Section 15.57.2.4.1 of the Zoning By-law requires a minimum garage setback of 9.5 metres where a garage accessed by a single driveway is intersected by a sidewalk. The Applicant is proposing to construct an attached garage which is 8.7 metres to the front property line; thus requiring a Variance of 0.8 metres.

MV-2015-30H: Section 15.57.2.2 of the Zoning By-law requires a minimum front yard of 4.5 metres. The Applicant is proposing to construct a row dwelling (townhouse) unit which is 3.6 metres to the front property line; thus requiring a Variance of 0.9 metres.

MV-2015-30I: Section 15.57.2.2.3 of the Zoning By-law states open-side one and two storey roofed porches or balconies may project 2.0 metres into the front or exterior side yard. The Applicant is proposing to construct a one storey roofed porch with a second storey balcony which projects 2.4 metres into the front yard: thus requiring a Variance of 0.4 metres.

MV-2015-30J: Section 15.57.2.4.1 of the Zoning By-law requires a minimum garage setback of 6.0 metres where a garage accessed by a single driveway is not intersected by a sidewalk. The Applicant is proposing to construct an attached garage which is 5.3 metres to the front property line; thus requiring Variance of 0.7 metres.

MV-2015-30K: Section 15.57.2.2 of the Zoning By-law requires a minimum front yard of 4.5 metres. The Applicant is proposing to construct a row dwelling (townhouse) unit which is 3.6 metres to the front property line; thus requiring a Variance of 0.9 metres.

MV-2015-30L: Section 15.57.2.2.3 of the Zoning By-law states open-side one and two storey roofed porches or balconies may project 2.0 metres into the front or exterior side yard. The Applicant is proposing to construct a one storey roofed porch with a second storey balcony which projects 2.4 metres into the front yard: thus requiring a Variance of 0.4 metres.

MV-2015-30M: Section 15.57.2.4.1 of the Zoning By-law requires a minimum garage setback of 6.0 metres where a garage accessed by a single driveway is not intersected by a sidewalk. The Applicant is proposing to construct an attached garage which is 5.3 metres to the front property line; thus requiring Variance of 0.7 metres.

The Chair read through the purpose of the Application. In attendance was Matthew Creador of Treasure Hill Homes. Mr. Creador stated that these Variances applied to 8 townhouses that formed part of a 134 townhouse draft approved Plan of Subdivision.

Moved by Tom Plamondon

Seconded by Roy Harrington

THAT Minor Variance Application MV-2015-30A-M be APPROVED.

CARRIED

**6. Minor Variance Application: MV-2015-32A-B – Mattamy (Aurora) Ltd.
83 Crockart Lane**

The Applicant has submitted an Application to allow the reduction in front yard setback and the increase in maximum projection for open-sided roofed porches. Section 11.99.22 of the Zoning By-law requires minimum front yard of 4.5 metres to the main building. The Applicant is proposing to construct a detached dwelling which is 4.1 metres to the front property line; thus requiring a Variance of 0.4 metres (MV-2015-32A). Section 11.99.2.3.1 of the Zoning By-law requires that open-sided roofed porches, balconies, uncovered terraces, patios and decks not exceeding 3.0 metres above grade with or without foundation may project a maximum of 2.0 metres into the required front and exterior side yards. The Applicant is proposing to construct an open-sided roofed porch which projects 2.3 metres into the required front yard; thus requiring a Variance of 0.3 metres (MV-2015-32B).

The Chair read through the purpose of the Application. In attendance was Rachel Demmers of Mattamy Homes. The Committee asked the Applicant about the letter of opposition that had been submitted in relation to this and the three other Mattamy Homes Variances. Ms. Demmers responded that these Variances were required as these were standard model homes. In order to avoid reducing backyard space and due to the unique corner-like location of these lots, the designers had to move the sitting of these homes forward and closer to the front property line. Ms. Demmers indicated that this and the three other Variances would be the only ones for Phase 3 of Mattamy Home's Aurora development.

Moved by David Mhango

Seconded by Tom Plamondon

THAT Minor Variance Application MV-2015-32A-B be APPROVED.

CARRIED

**7. Minor Variance Application: MV-2015-33 – Mattamy (Aurora) Ltd.
79 Crockart Lane**

The Applicant has submitted an Application to allow the reduction in front yard setback for an attached garage. Sections 11.99.22 of the Zoning By-law requires minimum front yard of 6.0 metres to the attached garage. The Applicant is proposing to construct an attached garage which is 4.9 metres to the front property line; thus requiring a Variance of 1.1 metres.

The Chair read through the purpose of the Application. In attendance was Rachel Demmers of Mattamy Homes.

Moved by Tom Plamondon

Seconded by David Mhango

THAT Minor Variance Application MV-2015-33 be APPROVED.

CARRIED

**8. Minor Variance Application: MV-2015-34A-C – Mattamy (Aurora) Ltd.
71 Crockart Lane**

The Applicant has submitted an Application to allow the reduction in front yard setback, increase in maximum projection for open-sided roofed porches and a reduction in front yard setback for an attached garage. Section 11.99.22 of the Zoning By-law requires minimum front yard of 4.5 metres to the main building. The Applicant is proposing to construct a two storey detached dwelling unit which is 3.2 metres to the front property line; thus requiring a Variance of 1.3 metres (MV-2015-34A). Section 11.99.2.3.1 of the Zoning By-law requires open-sided roofed porches, balconies, uncovered terraces patios and decks not exceeding 3.0 metres above grade with or without foundation may project a maximum of 2.0 metres into the required front and exterior side yards. The Applicant is proposing to construct an open-sided roofed porch which projects 3.0 metres into the required front yard; thus, requiring a Variance of 1.0 metre (MV-2015-34B). Section 11.99.2.2 of the Zoning By-law requires minimum front yard of 6.0 metres to the attached garage. The Applicant is proposing to construct an attached garage which is 5.7 metres to the front property line; thus requiring a Variance of 0.3 metres (MV-2015-34C).

The Chair read through the purpose of the Application. In attendance was Rachel Demmers of Mattamy Homes.

Moved by Roy Harrington

Seconded by Tom Plamondon

THAT Minor Variance Application MV-2015-34A-C be APPROVED.

CARRIED

**9. Minor Variance Application: MV-2015-35 – Mattamy (Aurora) Ltd.
67 Crockart Lane**

The Applicant has submitted an Application to allow the reduction in front yard setback for an attached garage. Section 11.99.2.2 of the Zoning By-law requires minimum front yard of 6.0 metres to the attached garage. The Applicant is proposing to construct an attached garage which is 5.2 metres to the front property line; thus requiring a Variance of 0.8 metres.

The Chair read through the purpose of the Application. In attendance was Rachel Demmers of Mattamy Homes.

Moved by David Mhango

Seconded by Tom Plamondon

THAT Minor Variance Application MV-2015-35 be APPROVED.

CARRIED

**10. Minor Variance Application: MV-2015-36 – Luzi
162 Hartwell Way**

The Applicant has submitted an Application to allow the reduction in minimum distance separation for minimum distance separation for open-sided roofed porches. Section 6.48.1 of the Zoning By-law states that encroachments for open-sided roofed porches, patios, uncovered terraces, deck and balconies shall be subject to the minimum distance separation of 3.8 metres from the rear property line. The Applicant is proposing to construct an open-sided roofed deck which is 2.4 metres from the rear property line; thus requiring a Variance of 1.4 metres.

The Chair read through the purpose of the Application. In attendance was the Applicant Agron Luzi. Mr. Luzi indicated that they had no complaints when they initially constructed their porch in the rear of their property. After they constructed the roof over the porch was when a complaints was lodged.

Terry Saltford of 19 Ausman Gate spoke in opposition to the Application. Mr. Saltford indicated his concern was not with the porch but with the roof. Their second floor rooms have direct line of sight to this constructed porch.

The Committee then asked if a Variance would not be required if there was no roof and if the porch had been built with the building permit. Staff responded that a Variance would still be necessary and that porch had been constructed without obtaining a building permit.

Mr. Luzi then requested to defer his Application so that he could revise his proposal in consultation with Planning staff.

Moved by Tom Plamondon

Seconded by David Mhango

THAT Minor Variance Application MV-2015-36 be DEFERRED.

CARRIED

V NEW BUSINESS/GENERAL INFORMATION

VI ADJOURNMENT

Moved by David Mhango

THAT the meeting be adjourned at 8:25 p.m.

CARRIED

Confirmed in open session this 12th day of November 2015.

**Carl Barrett,
Committee Acting Chair**

**Justin Leung,
Secretary-Treasurer**