



Town of Aurora
Committee of Adjustment Meeting Minutes
No. 17-01

Leksand Room
Aurora Town Hall
Thursday, January 12, 2017

Attendance

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

Regrets None

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

The Chair called the meeting to order at 7:01 p.m.

The Committee consented to recess at 8:07 p.m. and reconvened at 8:09 p.m.

1. Declaration of Pecuniary Interest and General Nature Thereof

There were no declarations of pecuniary interest under the *Municipal Conflict of Interest Act*.

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 December 8, 2016 Meeting Number 16-12

**Moved by Tom Plamondon
Seconded by David Mhango**

That the Committee of Adjustment meeting minutes from Meeting Number 16-12 be adopted as printed and circulated.

Carried

4. Presentations of Applications

1. Minor Variance Application: MV-2016-40A-B – Yonge Developments Inc., 15217 Yonge Street

The Applicant has submitted an Application (MV-2016-40A) to allow a reduction in the number of required parking spaces. Section 6.26.1.3 of the Zoning By-law requires a minimum of 40 parking spaces for 1048 square metres of commercial floor area. The Applicant is proposing 12 commercial parking spaces; thus requiring a Variance of 28 parking spaces.

The Applicant has submitted an Application (MV-2016-40B) to allow a reduction in the number of loading spaces. Section 19.2.1 of the Zoning By-law requires one loading space for commercial floor area between 1,000 square metres to 2,500 square metres. The Applicant is proposing 1,048 square metres of commercial floor area with zero (0) loading spaces; thus requiring a Variance of one (1) loading space.

The Chair read through the purpose of the Application. The Chair noted that the subject property is subject to an Application for Site Plan Approval. In attendance was the Agent for the owner, Mr. Jack Duggan.

Mr. Duggan provided background regarding previous applications for consents and variances regarding the creation of a mutual driveway between the subject property and property to the north, parking, and to permit a five-storey building with ground floor commercial and four floors of apartments. He advised that

the building would now have four floors of offices instead of apartments, which would be subject to a different parking standard, and he noted the discrepancy in parking standards between the Official Plan and the Zoning By-law.

Ms. Lynn Knowles, owner of 20 Victoria Street, requested clarification regarding the parking standards and the Chair provided a response. Staff confirmed that the new Zoning By-law is expected to be implemented this year, which would bring the parking standards and zoning in line with the Official Plan. Ms. Knowles expressed concern regarding the number of parking spaces. Staff advised that the parking standard for commercial in the downtown designation is a minimum of one parking space per 100 square metres of gross floor area.

Mr. Pearson, of 18 Mosley Street, expressed agreement with the previous speaker and further concern regarding the lack of parking spaces in the area.

The Committee inquired about an existing access easement, and Mr. Duggan noted that the easement is not located on the subject property, but on the land to the north. Staff confirmed that it would be ensured, through the site plan process, that there would be no infringements on any existing easement.

Moved by David Mhango
Seconded by Nick Racanelli

That Minor Variance Applications MV-2016-40A-B be APPROVED subject to the two conditions as outlined in the staff report.

Carried

**2. Minor Variance Application: MV-2016-41 – 212 Earl Stewart Drive Inc.,
212 Earl Stewart Drive, Unit 3**

The Applicant has submitted an Application to allow 'commercial school' as a permitted use. Section 23.3.3 of the Zoning By-law does not include 'commercial school' as a permitted use. The Applicant is proposing to allow 'commercial school' (educational) within industrial Unit 3 on the subject lands; thus requiring a Variance from this provision of the Zoning By-law.

The Chair read through the purpose of the Application. In attendance was the Agent for the owner, Mr. David Choi, of ACK Architects, and the owner, Mr. Yash Bidani.

Mr. Choi provided background to the proposed commercial school consisting of approximately 200 square metres on the ground floor and 100 square metres on the upper floor. He reviewed the floor plans and aspects of the school's activities, and suggested that the proposed commercial use would not negatively affect the employment currently outlined in the use, and that the proposed commercial school falls in line with similarly-permitted trade schools and research labs.

Committee members made inquiries and the Applicant provided clarification regarding the business model, storage, hours, administrative offices, and washrooms. Staff confirmed that trade schools and research labs are permitted.

Moved by Roy Harrington
Seconded by Nick Racanelli

That Minor Variance Application MV-2016-41 be APPROVED.

Carried

3. Minor Variance Application: MV-2016-42 – Kafeei-Rashidian, 108 Henderson Drive, Unit 55

The Applicant has submitted an Application to allow 'home occupation' (nail salon) for the subject property. Section 15.1 of the Zoning By-law does not permit 'home occupation' within an R6 Zone. The Applicant is proposing a 'home occupation' (nail salon) for the subject property; thus requiring a Variance from this provision of the Zoning By-law.

The Chair read through the purpose of the Application. In attendance was the Agent for the Applicant, Mr. Kasra Kafeei.

Staff introduced a letter from a resident of 114 Henderson Drive, which expressed support of the Minor Variance Application, which was read aloud by the Chair. The Chair noted that another letter had been previously circulated.

Mr. Kafaei clarified that the intent was not to open a business on the property and explained the nature of the home occupation, which is to accommodate five loyal clients from a previous business. He noted that there would be no signage, no regular hours of operation, no toxic waste, and no parking issues.

Mr. Richard Pearlstein, Property Manager for the subject property's Condominium Corporation, noted that the Condominium consists of 106 residential town-house units and is zoned municipally as Residential R6. Mr. Pearlstein advised that the Condominium Declaration states that each unit shall be used for residential purposes only and the Condominium Board of Directors is strongly opposed to this Minor Variance Application.

The Committee inquired about the superseding authority between the Condominium rules and by-laws and the Town's Zoning By-law variance approvals. Staff confirmed that any variance approval would not obligate the Condominium Corporation to change their rules.

Mr. Thomas Roberts, owner of 90 Poplar Crescent and member of the Condominium Board, expressed concern regarding any parking issues that may apply to the subject area on Henderson Drive.

Ms. Lisa Barbutto, of 110 Henderson Drive, expressed support for the Minor Variance Application.

Committee members made inquiries about parking and aspects of the proposed home occupation. Mr. Kafaei confirmed that his driveway can accommodate parking for one client, in addition to his own vehicles, and that services would be provided by appointment only and not advertised.

Moved by Tom Plamondon
Seconded by David Mhango

That Minor Variance Application MV-2016-42 be DENIED for the reasons stated in the staff report, specifically, Section 6.21.12 of the Zoning By-law.

Carried

4. Minor Variance Application: MV-2016-43 – 1207309 Ontario Inc., 337 and 375 Magna Drive

The Applicant has submitted an Application to remove references of 'Magna International Inc.' from Site Specific Zoning By-law. Section 29.4.10.1 of the Zoning By-law permits the following uses in RU-7 Zone: the Corporate Head Office of Magna International Inc.; an arts and education centre primarily relating to, or serving Magna International Inc.; a Research and Product Development Centre primarily relating to or serving the Corporate Head Office use set out above; and accessory uses including: a gatehouse or security facility and structure; and, recreation and day care facilities and cafeterias which are located within a main building and primarily serve the employees of the principal use. The Applicant is proposing the following uses: Office; an arts and education centre; a clinic and health centre and/or private hospital; a research and product development centre; and accessory uses including: a gatehouse or security facility and structure; and, recreation and day care facilities and cafeterias which are located within a main building and primarily serve the principal uses.

The Chair read through the purpose of the Application. In attendance was the Agent Emma West of Bousfields Inc.

Ms. West reviewed the proposal to remove any reference to 'Magna International Inc.', which is no longer the owner of the subject property, from the site specific Zoning By-law. She noted that there was no proposal to change the permitted uses or development, and it is uncommon for zoning to make specific reference to an owner; therefore, this would be a technical variance to remove the reference.

Mr. Michael McLaughlin, resident of 76 Kennedy Street, requested clarification and the Chair provided a response.

Committee members made inquiries regarding the subject lands, and the Agent and staff provided clarification.

Moved by Tom Plamondon
Seconded by David Mhango

That Minor Variance Application MV-2016-43 be APPROVED subject to the standard condition that the owner applicant provide confirmation that the boundaries of the subject lands have been properly updated to reflect the previously approved consent to the satisfaction of Planning and Building Services and that this condition be satisfied within one (1) year of the approval.

Carried

5. Minor Variance Application: MV-2016-44A-D – Kinsella-Tomassetti, 23 Mosley Street

The Applicant has submitted an Application (MV-2016-44A) to allow a reduction in minimum distance separation/encroachment of open-sided roofed porch to construct an addition to an existing house. Section 6.48.1 of the Zoning By-law states that encroachments for open-sided roofed porches shall be subject to minimum distance separation of 4.5 metres from front property line. The Applicant is proposing to construct an open-sided roofed porch which is 1.58 metres to front property line; thus requiring a Variance of 2.92 metres.

The Applicant has also submitted an Application (MV-2016-44B) to allow a reduction in minimum distance separation/encroachment of steps to construct an addition to an existing house. Section 6.48.1 of the Zoning By-law states that encroachments for steps shall be subject to minimum distance separation of 4.5 metres from front property line. The Applicant is proposing to construct porch steps which are 0.5 metres to front property line; thus requiring a Variance of 4.0 metres.

The Applicant has also submitted an Application (MV-2016-44C) to allow a reduction in minimum interior side yard setback to construct an addition to an existing house. Section 11.2.2 of the Zoning By-law requires minimum interior side yard setback of 1.5 metres. The Applicant is proposing to construct a two-storey addition which is 1.2 metres to westerly side property line; thus requiring a Variance of 0.3 metres.

The Applicant has also submitted an Application (MV-2016-44D) to allow an increase in maximum lot coverage to construct an addition to an existing house. Section 11.2.3 of the Zoning By-law permits maximum lot coverage of 35%. The Applicant is proposing to construct a two-storey addition with lot coverage of 43.2%; thus requiring a Variance of 8.2%.

The Chair read through the purpose of the Application. In attendance was the Applicant, Mr. Matthew Kinsella and Ms. Tracy Kinsella.

Mr. Kinsella reviewed the four variance requests and aspects of the proposed renovations, and noted that they have been working with Town staff toward maintaining the heritage of the existing house, formerly known as The Fleury House.

Committee members made inquiries, and the Applicant and staff provided clarification.

Moved by Nick Racanelli
Seconded by Tom Plamondon

That Minor Variance Application MV-2016-44A-D be APPROVED subject to the Heritage conditions as outlined in the staff report.

Carried

6. Minor Variance Application: MV-2016-45 – Tran-Chan, 34 Pattemore Gate

The Applicant has submitted an Application to allow a reduction in minimum distance separation/encroachment for decks. Section 6.48.1 of the Zoning By-law states that encroachments for decks shall be subject to minimum distance separation of 3.8 metres from rear property line. The Applicant is proposing to construct a deck which is 0.71 metres to rear property line; this requiring a Variance of 3.09 metres.

The Chair read through the purpose of the Application. In attendance was the Applicant Mr. Roy Tran.

Mr. Tran presented drawings, reviewed the variance requests of the application in respect to elements of the deck design and construction of the

existing structure, and addressed the issues in a letter of concern from a neighbour to the north side of the subject property.

A resident of 287 River Ridge Boulevard spoke in support of the request.

Committee members made inquiries, and the Applicant provided clarification. Staff confirmed that the height of the pergola is not an issue and the only non-compliance is in the rear minimum separation distance of the deck.

The Committee advised the Applicant of the option to request a deferral of the Application in order to further address the issues with staff and the neighbours.

Mr. Tran requested a deferral of the Minor Variance Application, which was accepted by the Committee of Adjustment.

7. Minor Variance Application: MV-2016-46 – McLaughlin, 76 Kennedy Street West

The Applicant has submitted an Application to allow a reduction in minimum interior side yard setback to construct a shed. Section 10.2.2 of the Zoning By-law requires minimum interior side yard setback of 4.5 metres for accessory structures. The Applicant is proposing to construct a shed with a 1.3 metre interior side yard setback to the easterly property line; thus requiring a Variance of 3.2 metres.

The Chair read through the purpose of the Application. In attendance was the Applicant Mr. Michael McLaughlin and Ms. Michele McLaughlin.

Mr. McLaughlin briefly reviewed the application and elements of the existing structure and environment respecting drainage and grading, and noted the letter of support from a neighbour.

The Committee inquired about the requirement for maintenance of the drainage and grading pattern, and staff provided clarification regarding the satisfaction of this condition.

Moved by Roy Harrington
Seconded by Tom Plamondon

That Minor Variance Application MV-2016-44A-D be APPROVED subject to the conditions as outlined in the staff report.

Carried

5. New Business

The Chair referred to the minutes of the previous meeting regarding a request for follow-up on a minor variance respecting 219 Old Yonge Street, which was approved by the Committee, regarding the outdoor use of land and conditions imposed by the Committee and Lake Simcoe Region Conservation Authority (LSRCA). Staff noted that the complaints involved were: (1) people parking outside the parking lot on lawns; and (2) children using the area within the flood plain. Staff advised that the first matter was a zoning conformity issue, which is being investigated by By-law Services; and the second matter was a condition that was cleared by LSRCA. Staff further noted that the fence in that area of the property within which the children play is partially located in the flood plain, and LSRCA is investigating the fence to determine whether further action is needed. The Chair suggested that, in future, perhaps a restriction, instead of a condition, should be considered for any provision intended as "in perpetuity". The Chair requested that staff provide the Committee with a memorandum, for the public record, regarding any possible actions that may still be taken at this time.

The Chair noted that two of the applications at this meeting dealt with variances for construction that had been completed, which was not reflected in the report. Staff explained that the presumption of the *Planning Act* is that variances are to be considered as new applications and proposals for something that does not exist. The Chair requested that the Committee be informed of any pre-existing situations through the background information report in order to determine whether a site visit is needed.

6. Adjournment

Moved by Tom Plamondon

That the meeting be adjourned at 9:35 p.m.

Confirmed in open session this 12th day of January, 2017.



per Grace Marsh, Committee Chair
TOM PLAMONDON



Justin Leung, Secretary-Treasurer