

Henderson neighbours continue fight for forest?

By Brock Weir

Concerned Aurora residents filled Council Chambers Tuesday, signs in hand, continuing their efforts to preserve a piece of natural forest on the Town's west side.

Residents have banded together against a minor variance application currently under review at Town Hall regarding the properties at 672 and 684 Henderson Drive, currently two privately-owned, heavily forested lots in something of a grey area as far as legislation is concerned.

Currently designated as residential settlement lands within Oak Ridges Moraine Legislation, the unique characteristics of the land call this designation into question, neighbours contend.

The Town, however, has a very different viewpoint.

The concerns were raised at last week's General Committee meeting in Open Forum by Henderson Drive resident Steve D'Engeli, backed by a crowd of neighbours, who said they represented over 4,000 area residents.

"While we are a group that cares about the environment, we are not a group of dissatisfied extremists pushing for significant change," said Mr. D'Engeli. "To the contrary, we are a group of over 4,200 average residents from Aurora and the neighbouring communities that are very supportive of the Town of Aurora Official Plan and the current zoning bylaws, especially as they relate to green spaces and environmental conservation. We think the Town has got it right and I think that is very important here. We believe developing can be achieved in our fine town while still being environmental stewards of the environment."

With that in mind, despite the land's designation as rural residential settlement lands, provisions in Aurora's Official Plan (OP) counter this, he argued, adding that they are also 100 per cent covered by the Oak Ridges Moraine Endangered, Rare and Threatened Species provisions under the local legislation.

Through this piece of legislation, development and site alteration is not permitted within the habitat of endangered, threatened or specially concerned species identified under the Species at Risk in Ontario registry and provincially rare species on the Moraine. "We have snapping turtles, red-headed woodpeckers, we have the Ministry of Natural Resources informing the Town and the applicants that there are rare, threatened species on this property yet somehow we're at the point where we are considering applications to remove 34,000 square feet of this endangered and environmentally sensitive land," said Mr. D'Engeli. "In addition to that, the Town has four fantastic zoning bylaws which currently prohibit any development or site alteration on these sites if the applicant cannot maintain the significant woodland features: Tannery Creek, Salamander Pond, the minimum vegetation zones and finally the natural heritage features and land form.

"The question that we have here is and where we're perplexed as a community is how this got to be a minor variance?"

From his perspective, how "minor" this variance is subjective. They contend the application is not, contrary to the criteria that need to be met for a "minor variance", the application is not "desirable for the land in question" as the land itself is "sensitive" and, in the end, it does not conform to the general intent of established zoning bylaws.

"We know it doesn't because there are four bylaws preventing development on this land and the Town plan says it can't be developed," he said.

Marco Ramunno, Aurora's Director of Planning, defended the file's status as a minor variance application, but was questioned by Councillor Wendy Gaertner on how such a status is ultimately determined.

"They did ask a valid question that I think Council could ask as well: How does staff decide whether something is a minor variance or not?" she asked. "It is really a question that is important in this case because I am assuming what they have presented is correct. If it is correct, it seems like it couldn't be a minor variance."

In response, Mr. Ramunno said its status was "clear."

"Our bylaw is very specific about that," he said. "We have dealt with many of these types of applications. We understand the residents' concerns, but it is an alteration within the settlement area of the Oak Ridges Moraine and our bylaw specifically identifies the need for a minor variance application. It is not to permit the use itself, it is really to determine the appropriate building envelope and we essentially put them through a site plan process with the required background information that is expected. Our bylaw is clear. It is a minor variance application that needs to be processed for that proposal.

"We are still waiting for additional information from the applicant prior to the new hearing being scheduled for the Committee of Adjustment to consider the application and that additional information will be provided through the [Lake Simcoe Region] Conservation Authority Staff for their review and comment."