



The Corporation of the Town of Milton

Report To: Council

From: Barbara Koopmans, Commissioner, Development Services

Date: July 19, 2021

Report No: DS-060-21

Subject: Authorization for Submission of a Minor Variance Application on lands municipally known as 100 Mill Street, Milton

Recommendation: THAT Report DS-060-21 entitled “Authorization for Submission of a Minor Variance Application on lands municipally known as 100 Mill Street.”, dated July 19, 2021 be received;

AND THAT in accordance with the provisions of subsections 45(1.4) of the *Planning Act; R.S.O. 1990, c.P. 13*, as amended, the Owner shall through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of Zoning By-law 081-2020, before the second anniversary of the day on which the by-law was approved by Council.

EXECUTIVE SUMMARY

- On October 19, 2020, as recommended through the Mature Neighbourhoods Character Area Study, Milton Council enacted Town-initiated Official Plan Amendment 60 and Zoning By-law 081-2020.
- The amendments introduced new policies and standards that apply to low-density residential development in the Downtown Character Area to ensure that new development is sympathetic to the existing neighbourhood.
- The focus of this report is on the *Planning Act* change that prohibits applying for a minor variance for two years following the passing of a zoning by-law amendment, unless permitted by Council resolution.
- The intent of the prohibition is to prevent changes to newly approved policies and zoning provisions, but the effect may hinder legitimate applications that do not negatively affect the general intent and purpose of the new provisions.
- This report recommends that the owner of 100 Mill Street be permitted to apply to the Committee of Adjustment, as the proposal is considered minor in nature and maintains the intent of the Mature Neighbourhood Character Area amendments.

REPORT

Background

On December 3, 2015, the Province of Ontario enacted Bill 73 “Smart Growth for Our Communities Act, 2015” which amended the *Planning Act* and *Development Charges Act, 1997*. Several changes to the *Planning Act* came into force on July 1, 2016. One of the changes to the *Planning Act* is the introduction of a two year moratorium (or “freeze”) on three types of amendments, subject to Council’s discretion to provide relief from the prohibition:

1. Amendments of a new Official Plan;
2. Amendments of a new comprehensive Zoning By-law; and
3. Minor variance of a by-law that has already been amended for the land, building or structure.

The focus of this report is on the *Planning Act* change that prohibits applying for a minor variance of a by-law for two years following the passing of a zoning by-law amendment, unless permitted by Council resolution, as detailed below.

Section 45 (1.3)

Subject to subsection (1.4), no person shall apply for a minor variance from the provision of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended. 2015, c.26,s.

The only exception to this rule is where Council has declared by resolution, pursuant to Section 45(1.4) of the *Planning Act* that an application can proceed. Section 45(1.4) of the *Planning Act* allows Council to exempt by resolution a specific application, class of applications, or application generally from the two year moratorium.

Section 45(1.4)

Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, class of application or in respect of such applications generally. 2015, c.26, s. 29(2)

Discussion

The Owner of 100 Mill Street has indicated their desire to submit a Minor Variance Application to seek relief from the maximum lot coverage provision of the Residential Low Density 1 (RLD1) Zone (i.e. to allow a lot coverage of 32%, whereas the by-law allows a maximum of 25%) to facilitate the reconstruction of a detached garage and allow for a second-storey addition to the garage. In addition, the Owner is seeking permission to allow for an increase to the maximum height (i.e. to allow a maximum height of 5.3 metres, whereas the by-law allows a maximum of 4.3 metres) and to allow for an increase in the



Discussion

gross floor area (GFA) (i.e. to allow for 12.5% of the GFA to be recognized, whereas 10% is the maximum).

Since the enactment of Bill 73, the Development Services Department has implemented an approach that assumes no Minor Variance Applications are permitted before the second anniversary of the day on which the by-law was amended, unless Council has declared by resolution that such an application is permitted. Staff can, through a Council Report, include a resolution for Council's consideration to permit a Minor Variance application within the 2 year moratorium time frame.

In this instance, Staff recommends that Council authorize the Owner to apply to the Committee of Adjustment for variances from the provisions of Zoning By-law 081-2020 for the following reasons:

- The proposed addition to the existing detached garage is compatible with and sympathetic to the existing built form in the neighbourhood in terms of height, massing setback, scale and architectural design and is respectful of the character of the neighbourhood;
- The proposal will not negatively impact adjacent properties or the street as the proposed addition is located in the rear of the existing lot and will not impact the streetscape;
- The addition is respectful of and consistent with the character of the surrounding neighbourhood; and
- The maximum lot coverage provision was not revised or made more restrictive through the recent Character Area zoning by-law amendment and therefore the proposal does not contradict the purpose or intent of the new zoning provisions.

Any Minor Variance Application submitted for the subject lands would go through the standard review process, which involves an evaluation by staff of the appropriateness of the Minor Variance Application, through the lens of the four tests set out by Section 45(1) of the *Planning Act*, and a decision of the Committee of Adjustment.

Financial Impact

There are no financial implications associated with this report.

Respectfully submitted,

Barbara Koopmans, MPA, MCIP, RPP, CMO
Commissioner, Development Services

For questions, please contact: Taylor Wellings, MCIP, RPP Phone: Ext. 2311
Development Planner



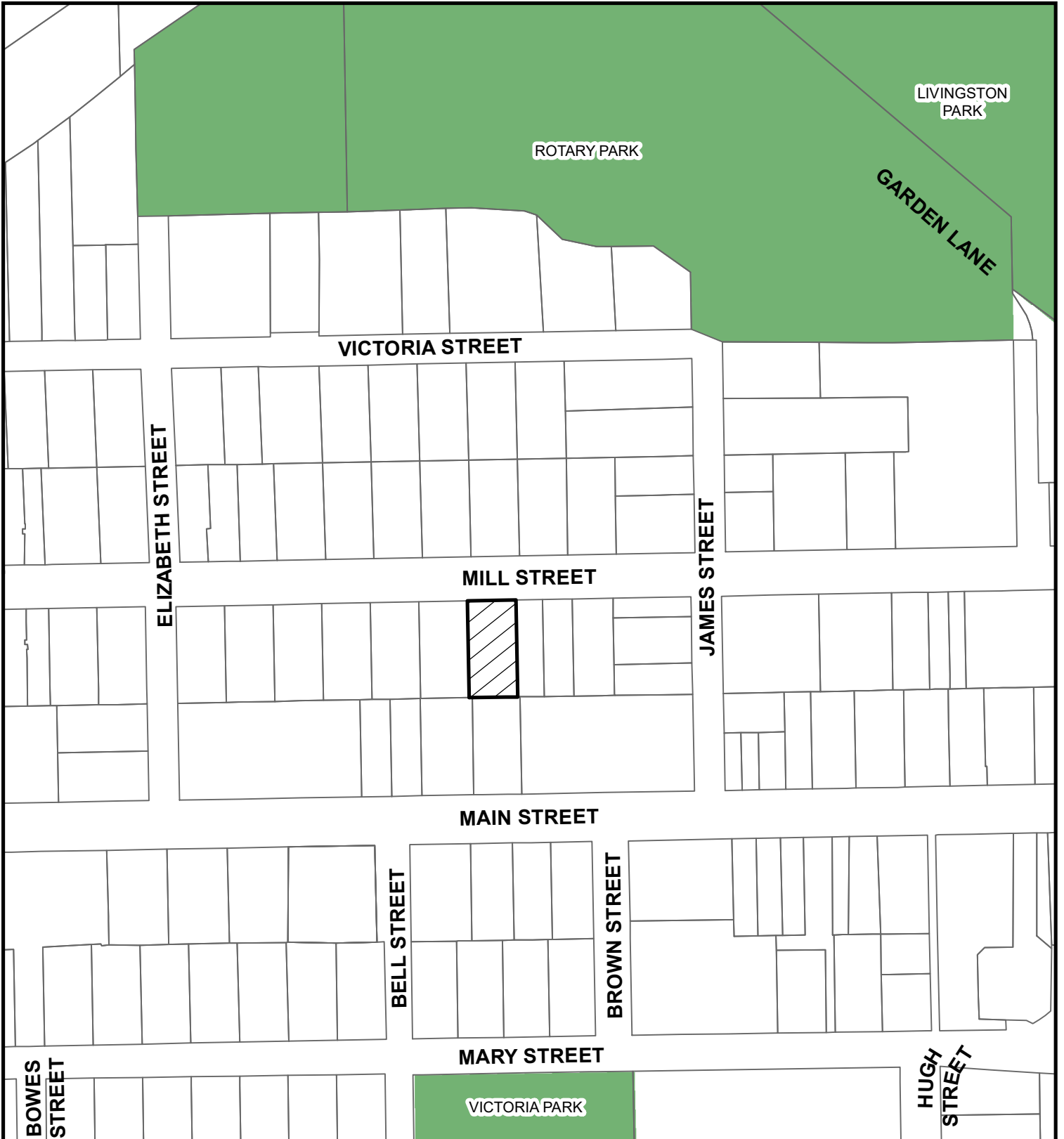
The Corporation of the Town of Milton

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Attachments
Figure 1 Location Map
Figure 2 Minor Variance Sketch - Proposed Detached Garage Addition

CAO Approval
Glen Cowan
Acting Chief Administrative Officer

FIGURE 1 LOCATION MAP



Council Meeting Date:
July 19, 2021

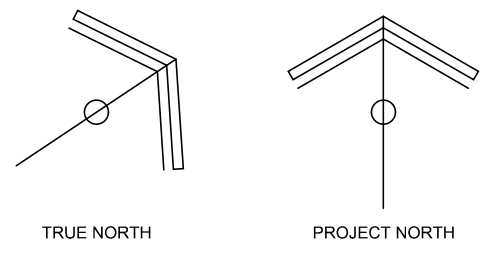
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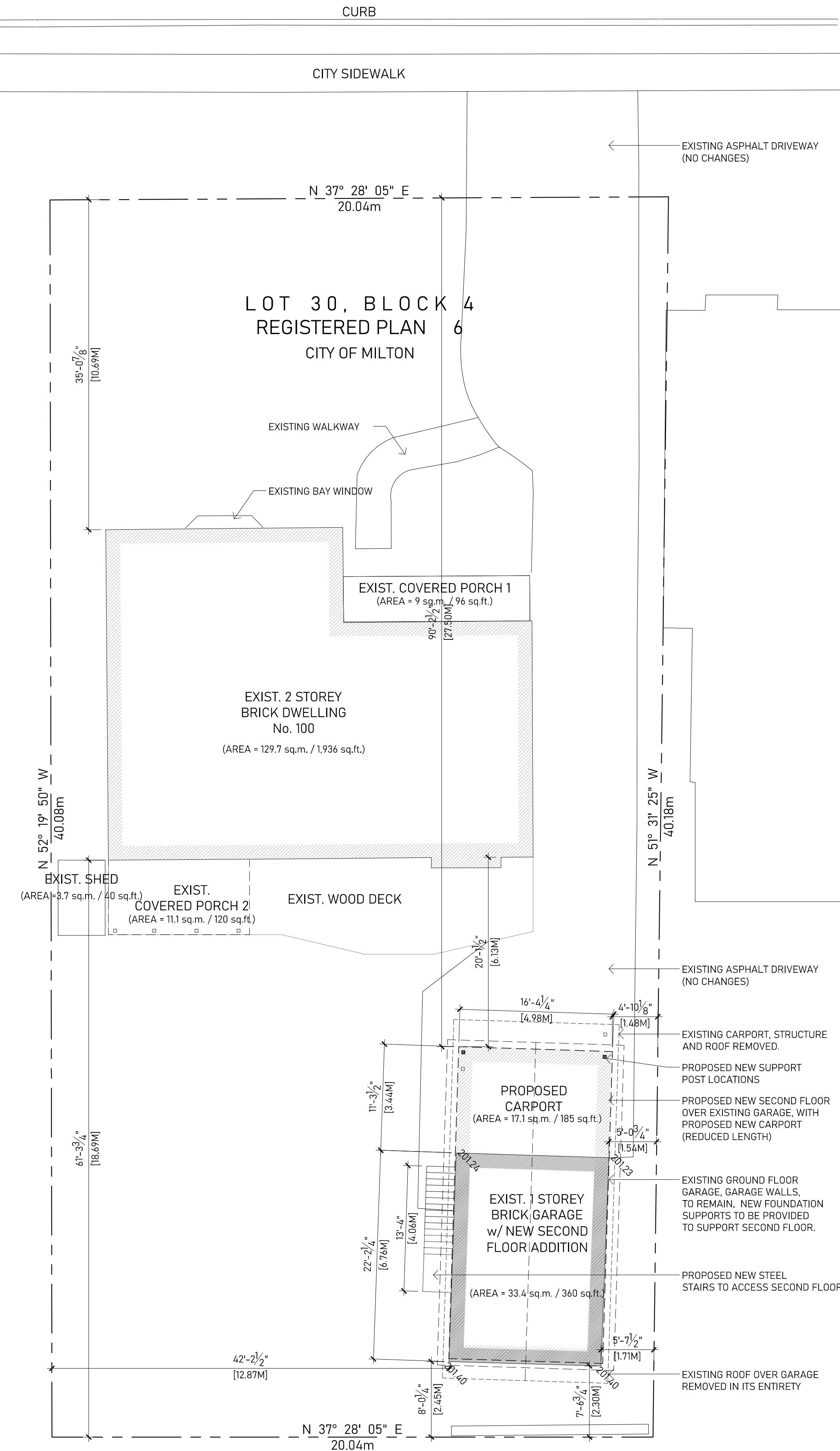
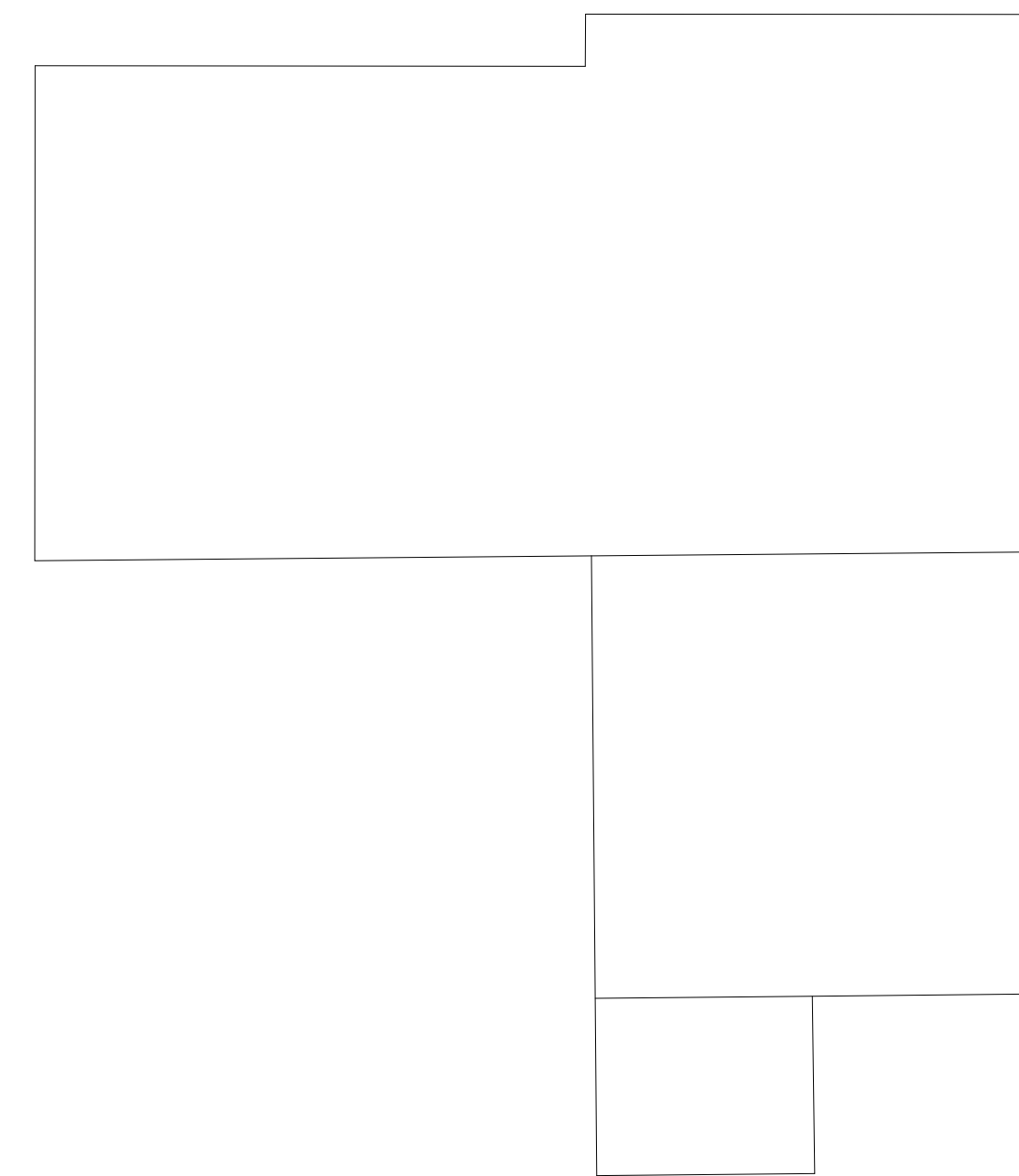
Development Services Department



Subject Property

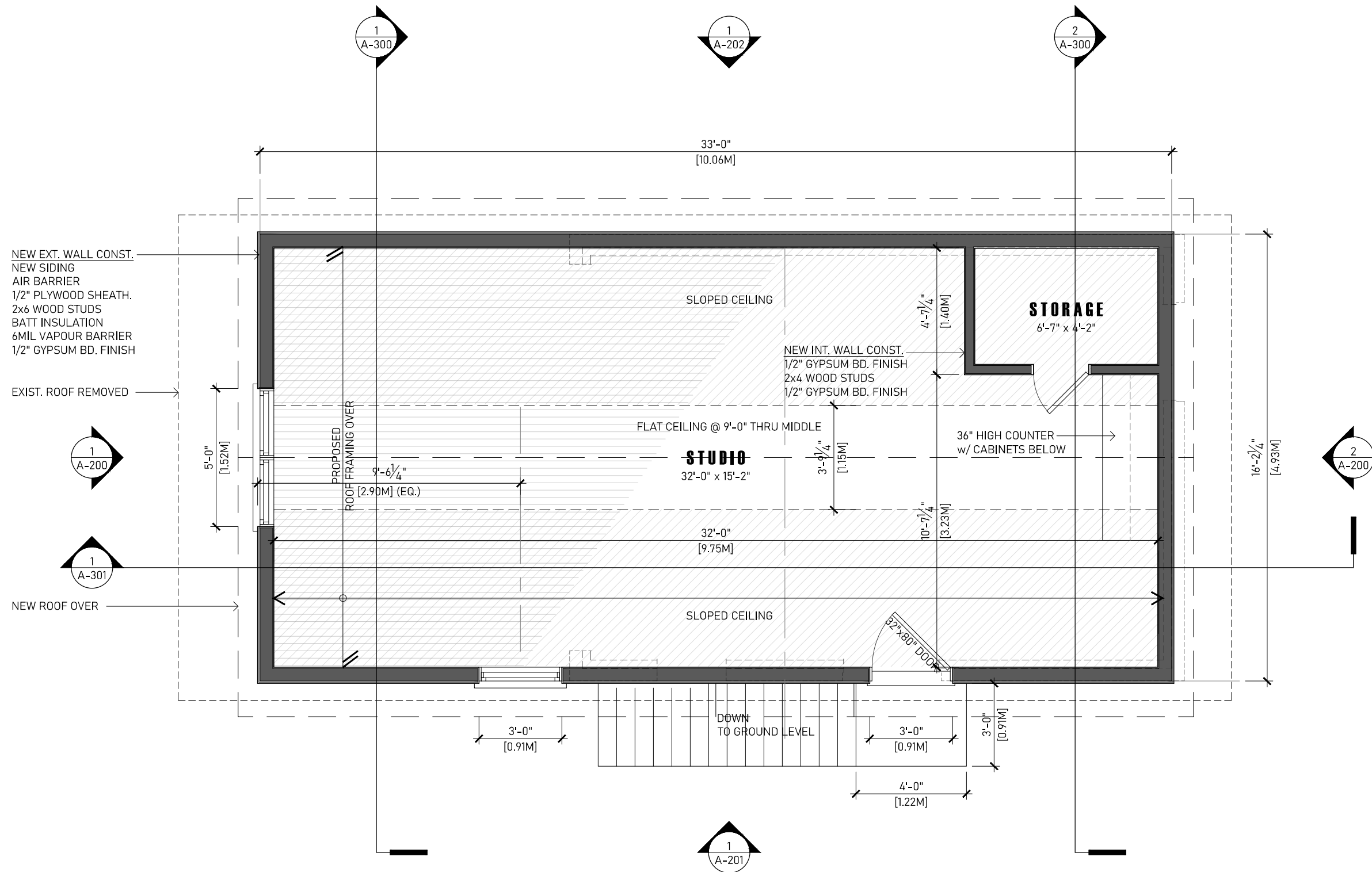


SITE STATISTICS			
DESCRIPTION	ZONING BY-LAW	EXISTING	PROPOSED
ZONING	016-2014	RLD1	RLD1
LOT AREA	-	792 sq.m. (8,531 sq.ft.)	NO CHANGE
LOT FRONTAGE	15.0m	20.04m	NO CHANGE
LOT DEPTH	30.0m	40.08m	NO CHANGE
COVERAGE			
- DWELLING	-	129.7 sq.m. (1,936 sq.ft.)	NO CHANGE
- COVERED PORCH 1	-	9 sq.m. (96 sq.ft.)	NO CHANGE
- COVERED PORCH 2	-	11.1 sq.m. (120 sq.ft.)	NO CHANGE
- GARAGE	-	33.4 sq.m. (360 sq.ft.)	NO CHANGE
- CARPORT	-	23.2 sq.m. (250 sq.ft.)	17.14 sq.m. (184.5 sq.ft.)
- SHED	-	3.7 sq.m. (40 sq.ft.)	NO CHANGE
TOTAL:	-	260.3 sq.m. (2,802 sq.ft.)	260.3 sq.m. (2,736.5 sq.ft.)
LOT COVERAGE %	25%	32.8%	32%
GROSS RESIDENTIAL FLOOR AREA:			
- MAIN FLOOR	-	129.7 sq.m. (1,936 sq.ft.)	NO CHANGE
- SECOND FLOOR	-	129.7 sq.m. (1,936 sq.ft.)	NO CHANGE
TOTAL:	-	359.7 sq.m. (3,872 sq.ft.)	NO CHANGE
G.F.A.%	-	0.45	NO CHANGE
GARAGE FLOOR AREA:			
- MAIN FLOOR	-	33.4 sq.m. (360 sq.ft.)	33.4 sq.m. (360 sq.ft.)
- SECOND FLOOR	-	N/A	50.35 sq.m. (542 sq.ft.)
- CARPORT	-	23.2 sq.m. (250 sq.ft.)	17.14 sq.m. (184.5 sq.ft.)
TOTAL:	-	56.6 sq.m. (610 sq.ft.)	101 sq.m. (1,086.5 sq.ft.)
G.F.A.%	10% OF LOT	7.15%	12.7%
BUILDING HEIGHT:			
- HOUSE	-	6.4m	NO CHANGE
- GARAGE	4.3m	3.7m	5.30m
HOUSE SETBACKS:			
- FRONT (N)	-	-	NO CHANGE
- SIDE (E)	-	-	NO CHANGE
- REAR (S)	-	-	NO CHANGE
- SIDE (W)	-	-	NO CHANGE
GARAGE BUILDING SETBACKS:			
- FRONT (N)	N/A	27.5m	27.5m
- SIDE (E)	0.6m	1.48m	1.48m
- REAR (S)	0.6m	2.30m	2.30m
- SIDE (W)	0.6m	12.87m	12.87m



1 SITE PLAN
SCALE: 1/4" = 1'-0"

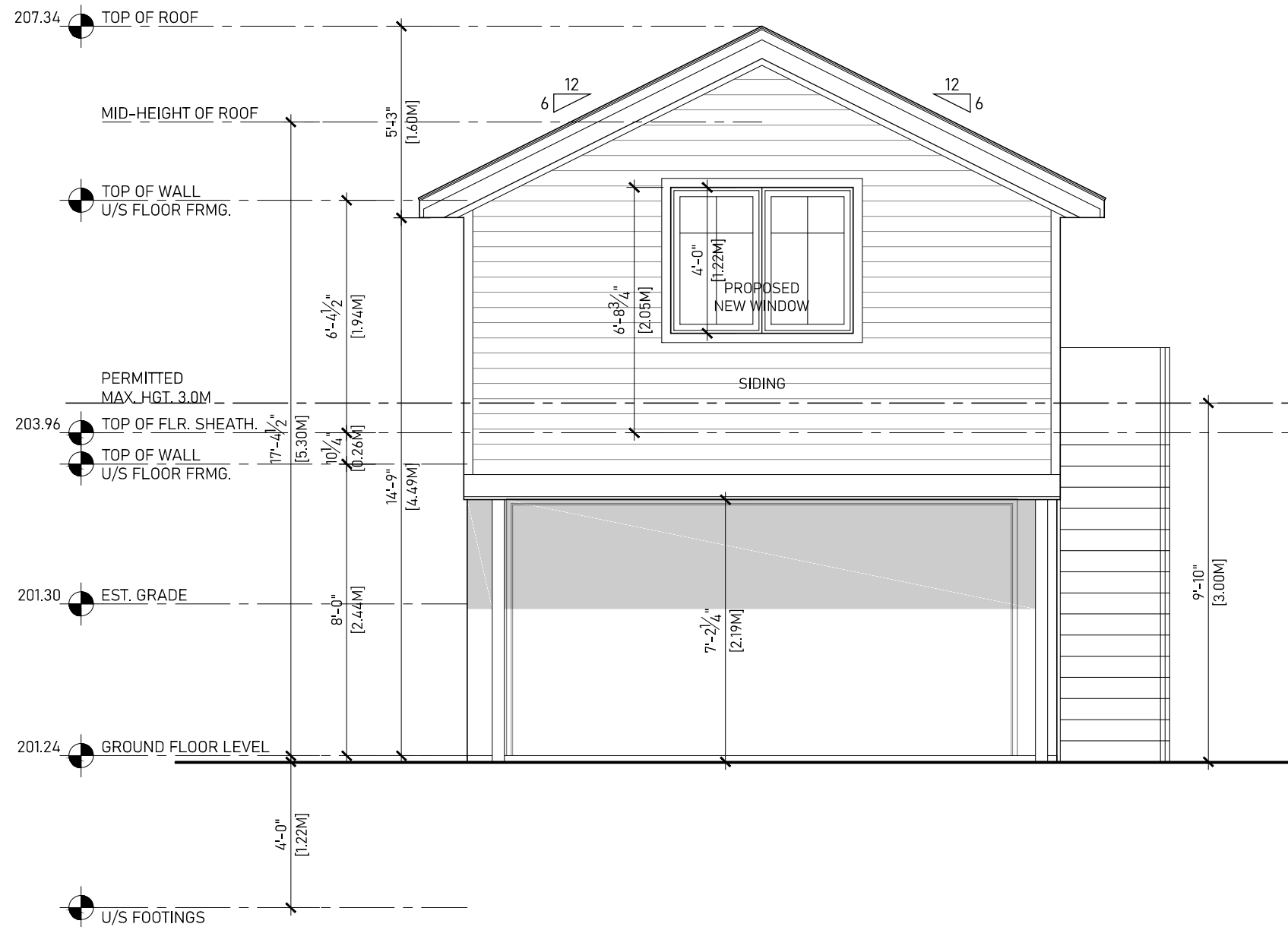
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**PROPOSED
1 SECOND FLOOR PLAN**
SCALE: 1/4" = 1'-0"

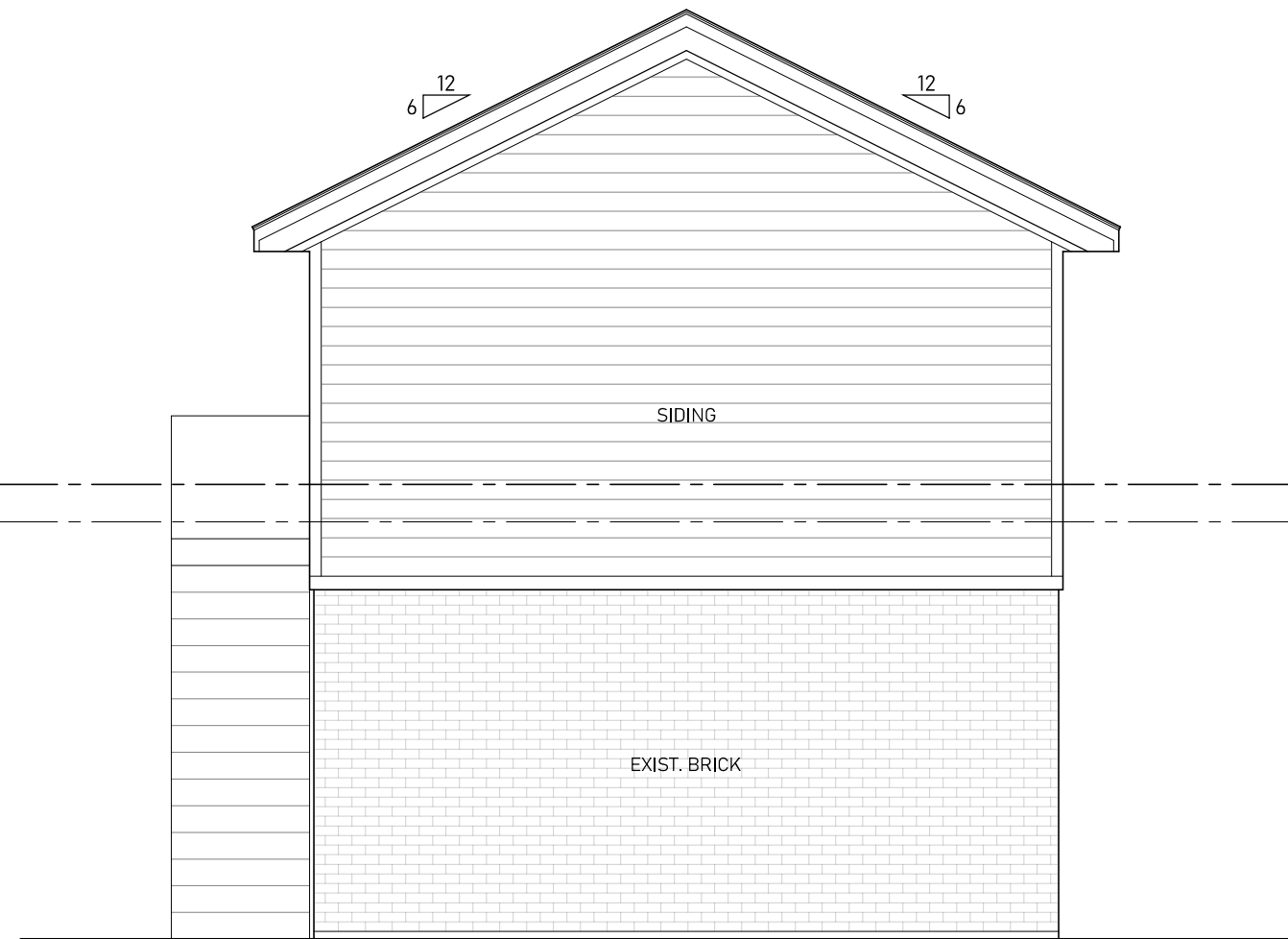
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#	DATE dd/mm/yyyy	REVISION / ISSUE	CHKD.

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1 PROPOSED FRONT (NORTH) ELEVATION

SCALE: 1/4" = 1'-0"

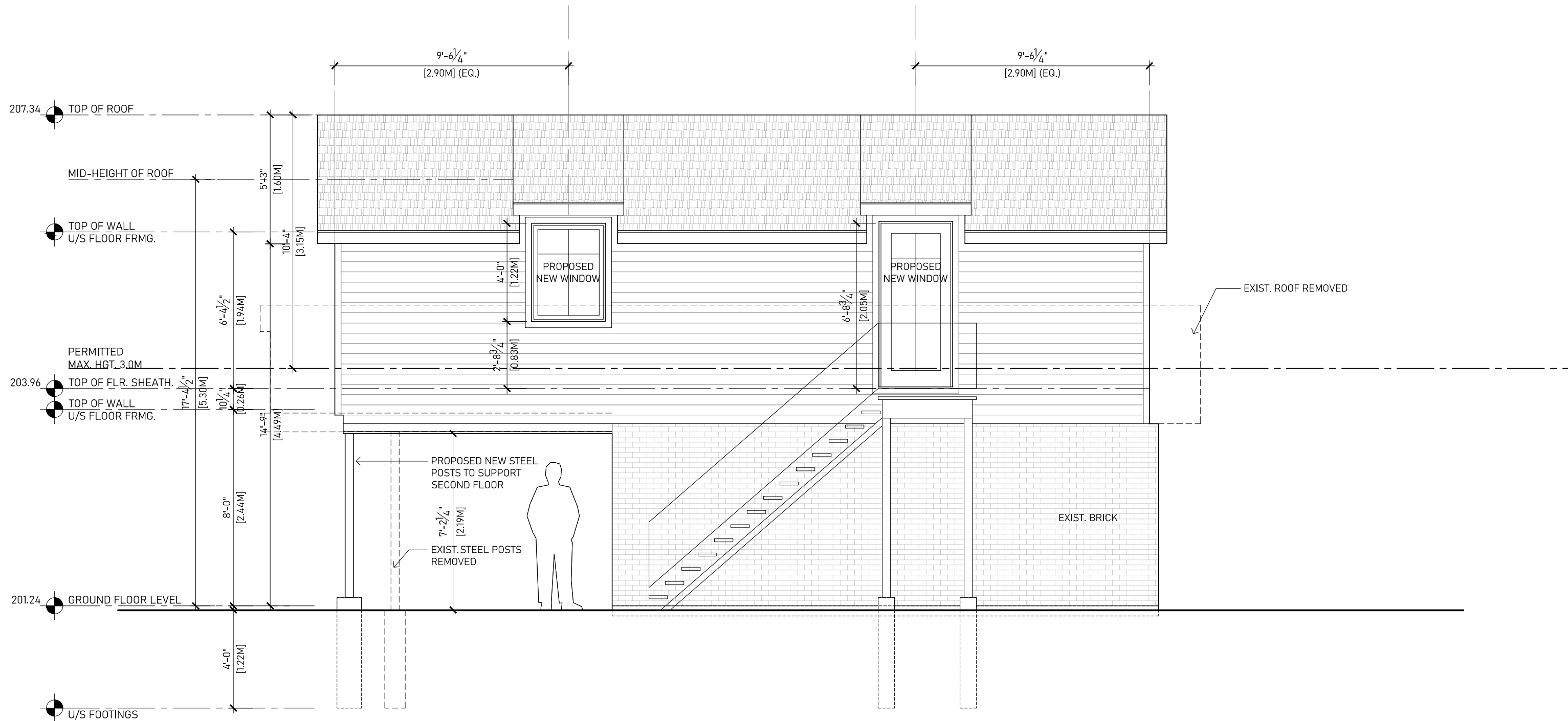


2 PROPOSED REAR (SOUTH) ELEVATION

SCALE: 1/4" = 1'-0"

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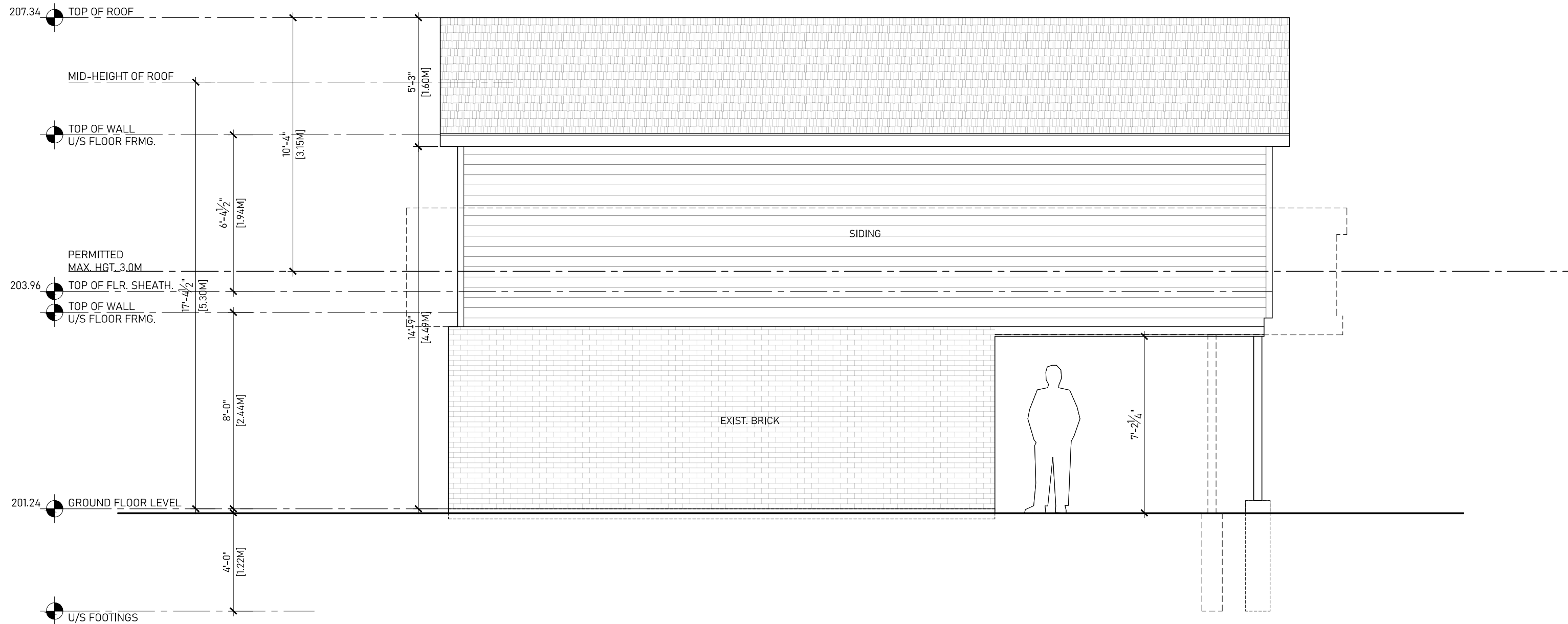
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1 PROPOSED SIDE (WEST) ELEVATION
 SCALE: 1/4" = 1'-0"

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PROPOSED
1 SIDE (EAST) ELEVATION
 SCALE: 1/4" = 1'-0"

1	##/06/21	MINOR VARIANCE APPLICATION	S.G.
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