



# The Corporation of the Town of Milton

Report To: Council

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From: Barbara Koopmans, Commissioner, Development Services

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Date: October 25, 2021

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Report No: DS-083-21

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Subject: Authorization for Submission of a Minor Variance Application on lands municipally known as 256 Oriole Court, Milton

**Recommendation:** THAT Report DS-083-21 entitled “Authorization for Submission of a Minor Variance Application on lands municipally known as 256 Oriole Court.”, dated October 25, 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 256 Oriole Court be permitted to apply to the Committee of Adjustment, as the proposed relief 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 256 Oriole Court has indicated their desire to submit a Minor Variance Application to seek relief from the maximum lot coverage provision of the Residential Low Density 3 (RLD3) Zone (to allow a lot coverage of 22.44%, whereas the by-law allows a maximum of 20% plus an additional 1.0% for covered porch area provided there is no gross floor area or amenity area located above), to facilitate the build of an addition on to an existing single-detached dwelling.



## Discussion

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.

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 is compatible with and sympathetic to the existing built form in the neighbourhood in terms of height, setback, scale and architectural design; and
- The proposed addition is respectful of and consistent with the character of the surrounding neighbourhood. The roof renovation, height and façade materials represent a positive contribution to preserving neighbourhood character.

Any Minor Variance Application submitted for the subject lands would continue to be subject to 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: Rachel Suffern, MSc, MPA      Phone: Ext. 2263  
Development Planner

## Attachments

Figure 1 Location Map  
Figure 2 Proposed Drawings, Elevations & Materials

CAO Approval  
Andrew M. Siltala  
Chief Administrative Officer



# The Corporation of the Town of Milton

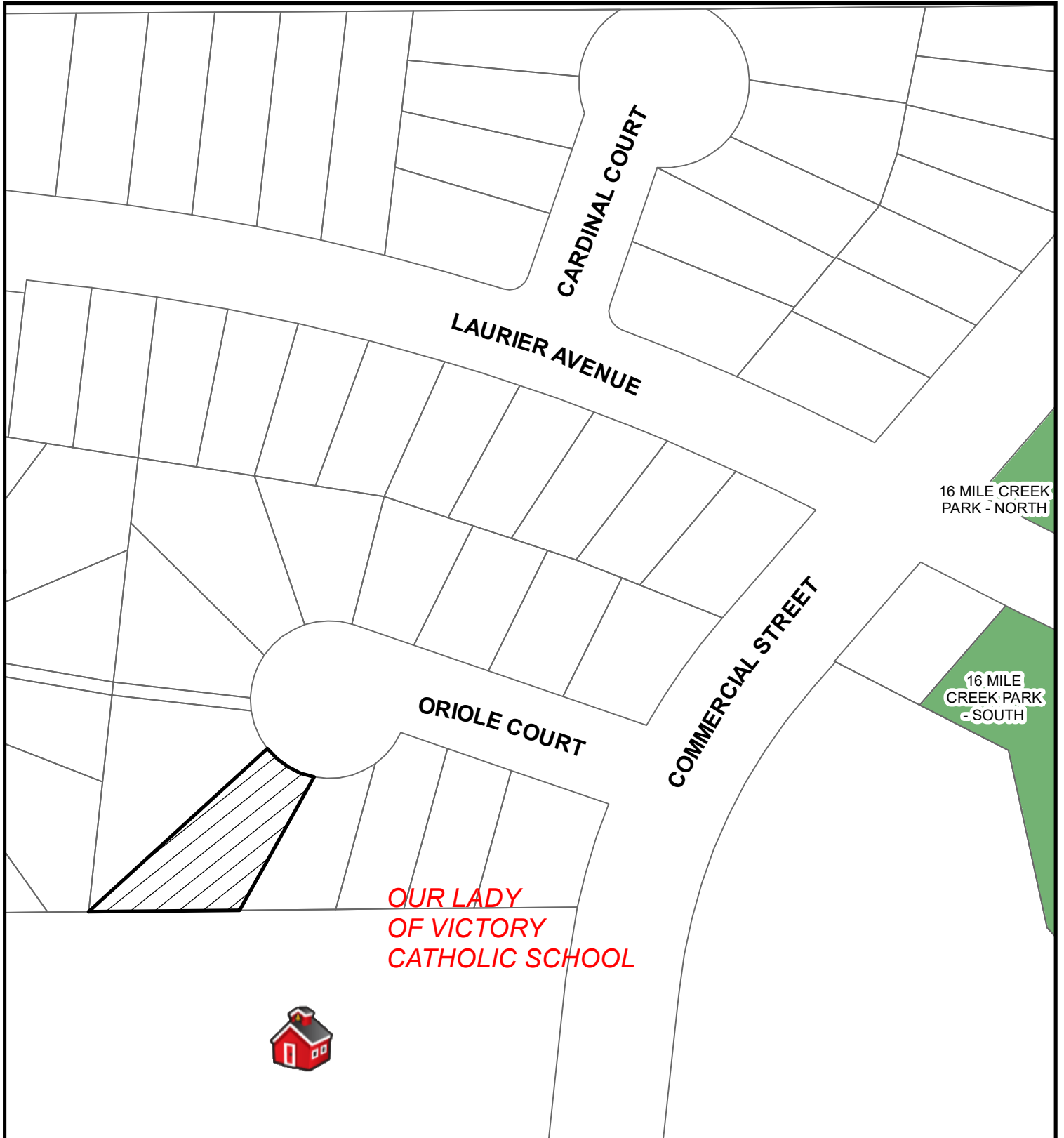
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## Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the HuronWendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

# FIGURE 1 LOCATION MAP



Council Meeting Date:  
October 25, 2021

Scale: 1: 1,900

Files: DS-XXX-21

Development Services Department



Subject Property

**TOWN OF MILTON NOTES:**

- PRIOR TO THE COMMENCEMENT OF ANY WORKS ON THE SITE, SNOW FENCE IS INSTALLED ON THE PERIMETER OF THE PROPERTY AND AT LOCATIONS AS DETERMINED BY THE MANAGER, SUCH TIME AS OTHERWISE DIRECTED BY THE MANAGER, DEVELOPMENT ENGINEERING MAINTAINED FOR THE DURATION OF CONSTRUCTION.
- SILT CONTROLS ARE TO BE IN PLACE PRIOR TO THE START OF SITE WORKS, AND BE MAINTAINED FOR THE DURATION OF CONSTRUCTION.
- PRIOR TO COMMENCEMENT OF ANY WORKS WITHIN THE MUNICIPAL ROAD ALLOWANCE, THE OWNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ENGINEERING DEPARTMENT (ENTRANCE - PERMIT), AND FOR SERVING EXCAVATIONS WITHIN THE MUNICIPAL ROAD ALLOWANCE. (ROAD OCCUPANCY PERMIT).
- SILT FENCE IS REQUIRED TO BE INSTALLED AROUND ALL DISTURBED AREAS AS PER OPSD 219.110
- ALL FILL SHALL BE COMPACTED TO 95% STANDARD PROCTOR DENSITY AND COMPACTION TESTING SHALL BE UNDERTAKEN TO THE SATISFACTION OF THE DIRECTOR, DEVELOPMENT ENGINEERING
- ALL DISTURBED AREAS WITHIN THE MUNICIPAL ROAD ALLOWANCE ARE TO BE REINSTATED TO TOWN STANDARDS
- ALL EXISTING UTILITIES WITHIN THE MUNICIPAL ROAD ALLOWANCE ARE TO BE REINSTATED TO EXISTING CONDITIONS OR BETTER.

**LOCATES :**

- PRIOR TO DIGGING LOCATES REQUIRED FOR SEWER IF APPLICABLE
- PRIOR TO DIGGING LOCATES REQUIRED FOR UNDERGROUND SERVICES
- BEFORE DIGGING, UNDERGROUND SERVICES SHOULD BE LOCATED ON SITE BY THE RESPECTIVE AGENCIES.
- CALL LOCATES: UNDERGROUND SERVICES TO BE LOCATED ON SITE BY THE RESPECTIVE AGENCIES.
- SHOWN TO BE LOCATED ON SITE BY THE RESPECTIVE AGENCIES.
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**GRADING NOTES:**

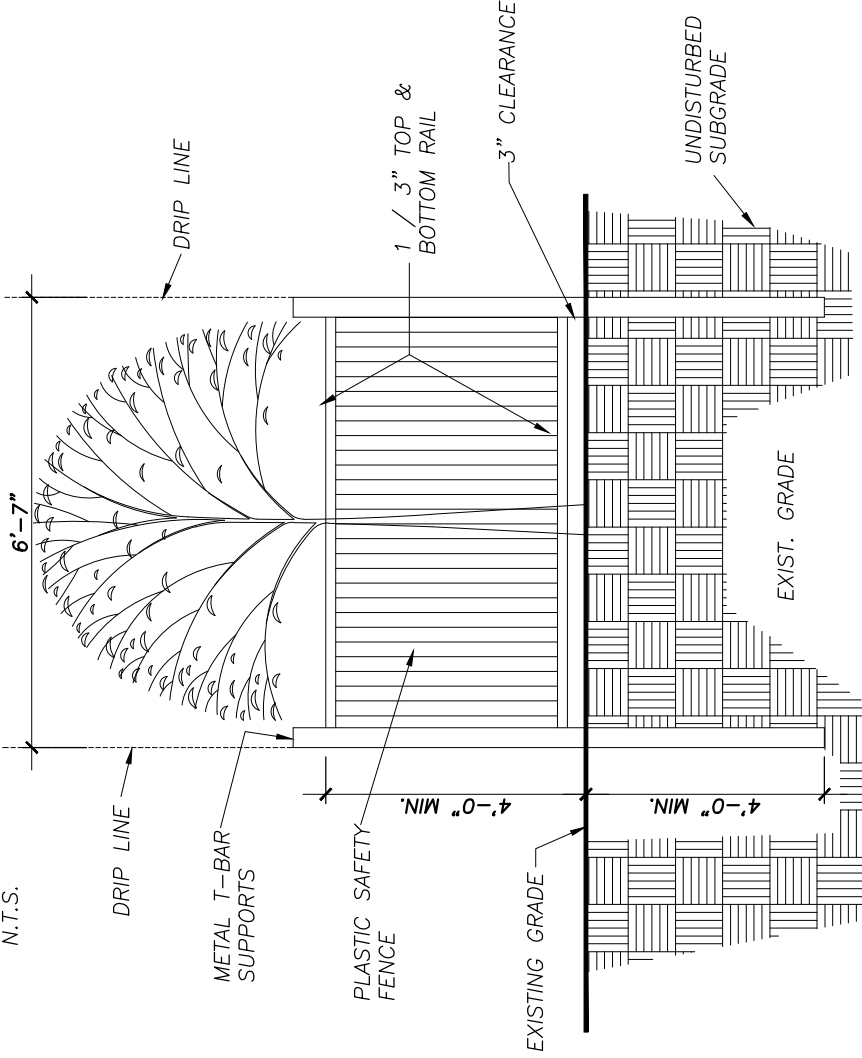
- 1. EXISTING DRAINAGE OF ADJUTING LANDS IS NOT TO BE ALTERED.
- 2. BASEMENT OPENINGS TO BE MINIMUM 300MM ABOVE THE CENTERLINE OF ROAD UNLESS OTHERWISE APPROVED BY THE ENGINEER.
- 3. GROUND ELEVATIONS AT BUILDINGS ABUTTING OVERLAND FLOW ROUTES ARE TO BE 225 ABOVE OVERLAND FLOW ROUTE.
- 4. STUMP PUMP MUST DISCHARGE DIRECTLY INTO MUNICIPAL STORM SEWER OR TO GRADE.
- 5. THE MINIMUM OF 150MM (6") FROM THE TOP OF FOUNDATION TO THE FINISHED FLOOR ELEVATION, UNDERSIDE OF FOOTING TYPE.
- 6. THE FINISHED FLOOR ELEVATION, UNDERSIDE OF FOOTING TYPE, SHALL BE LOCATED ON SITE BY THE CONTRACTOR IN CONSULTATION WITH THE ENGINEERING DEPARTMENT, BASED ON THE MIN. TOP OF FOUNDATION ELEVATION PROVIDED.

BEFORE DIGGING, UNDERGROUND SERVICES SHOULD BE LOCATED ON SITE BY THE RESPECTIVE AGENCIES.

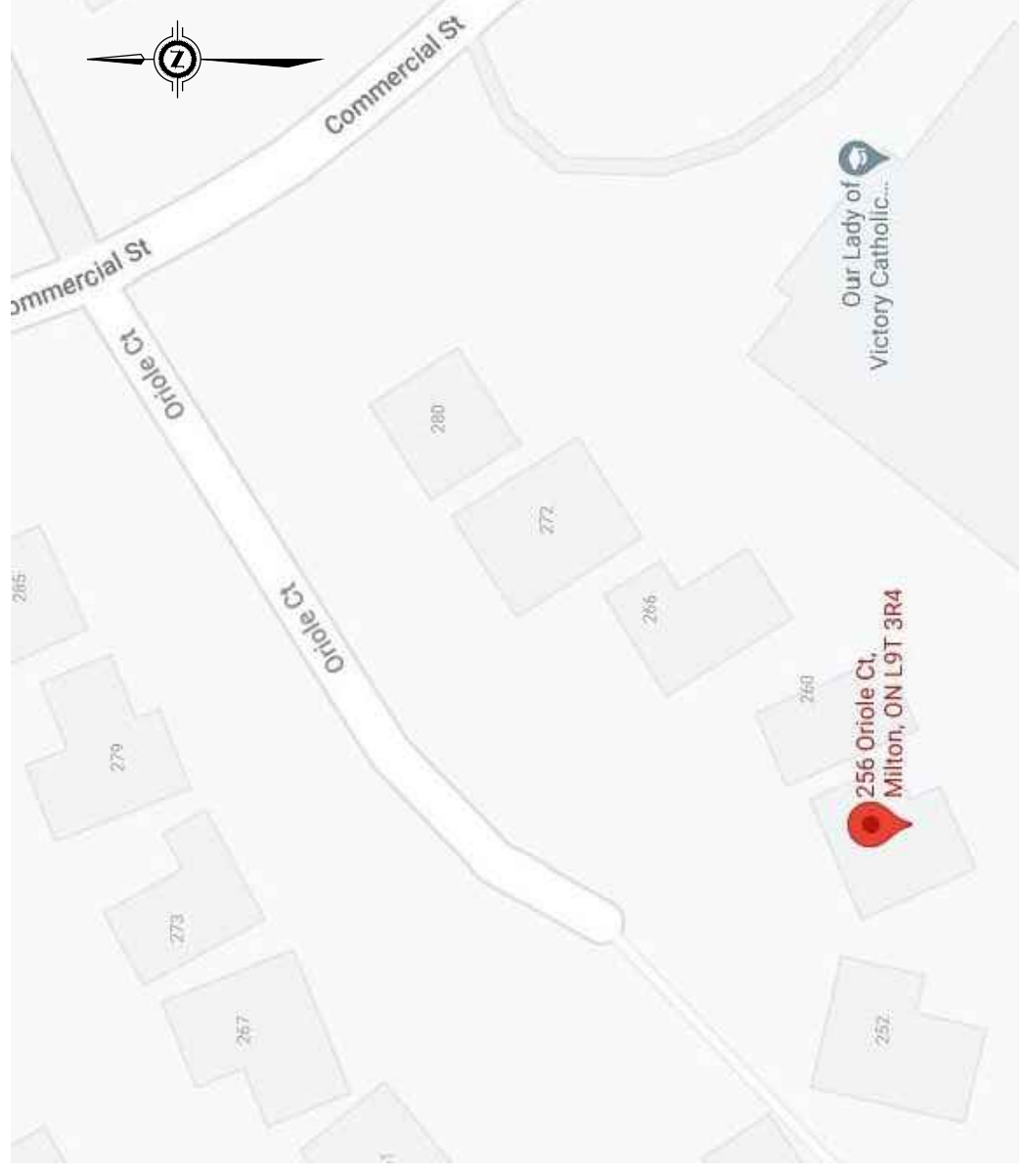
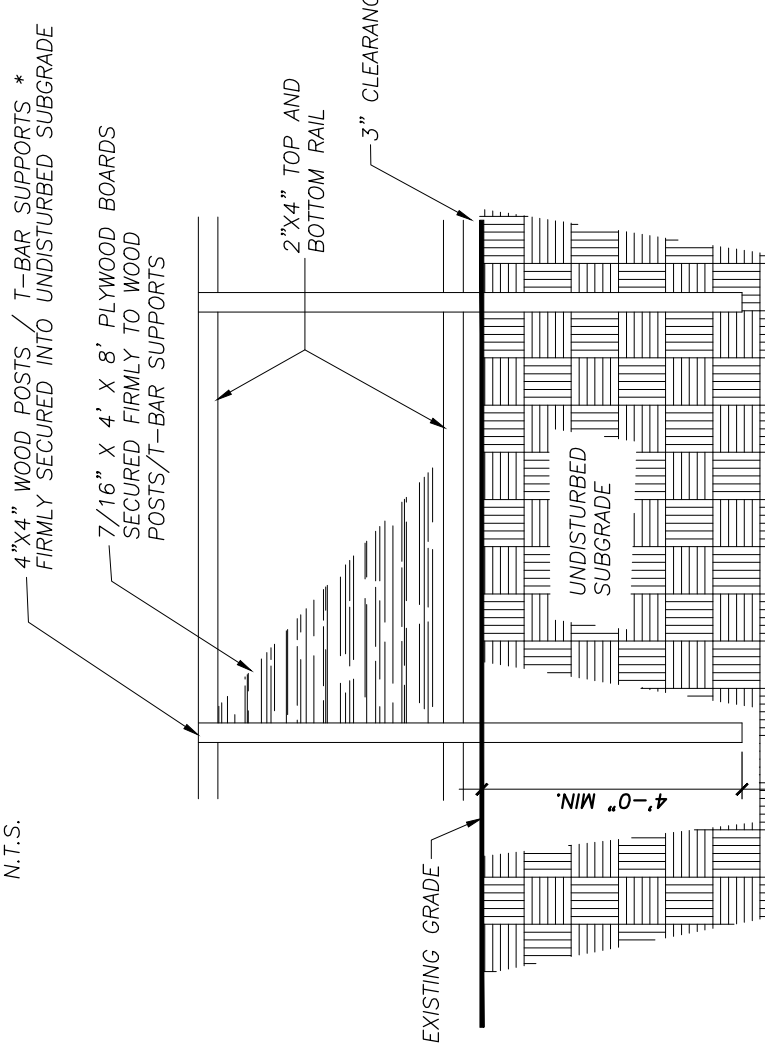
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THAT LOCAL BENCHMARKS HAVE NOT BEEN ALTERED OR DISTURBED AND THAT THE RELATIVE ELEVATIONS AGREE WITH THE INFORMATION SHOWN ON THIS PLAN.

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

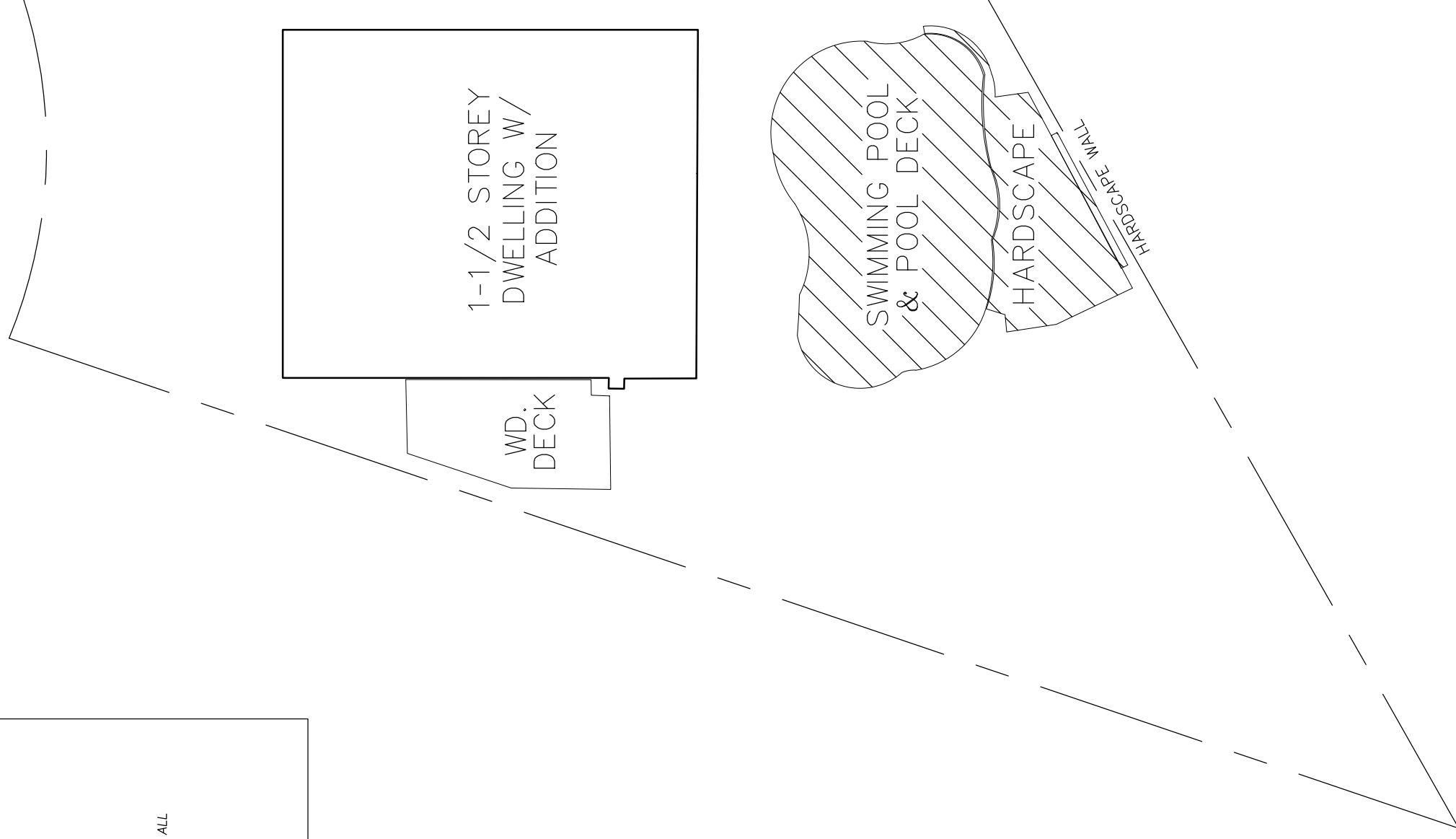
**FRAMED HOARDING**  
N.T.S.



**SOLID BOARD HOARDING**  
N.T.S.

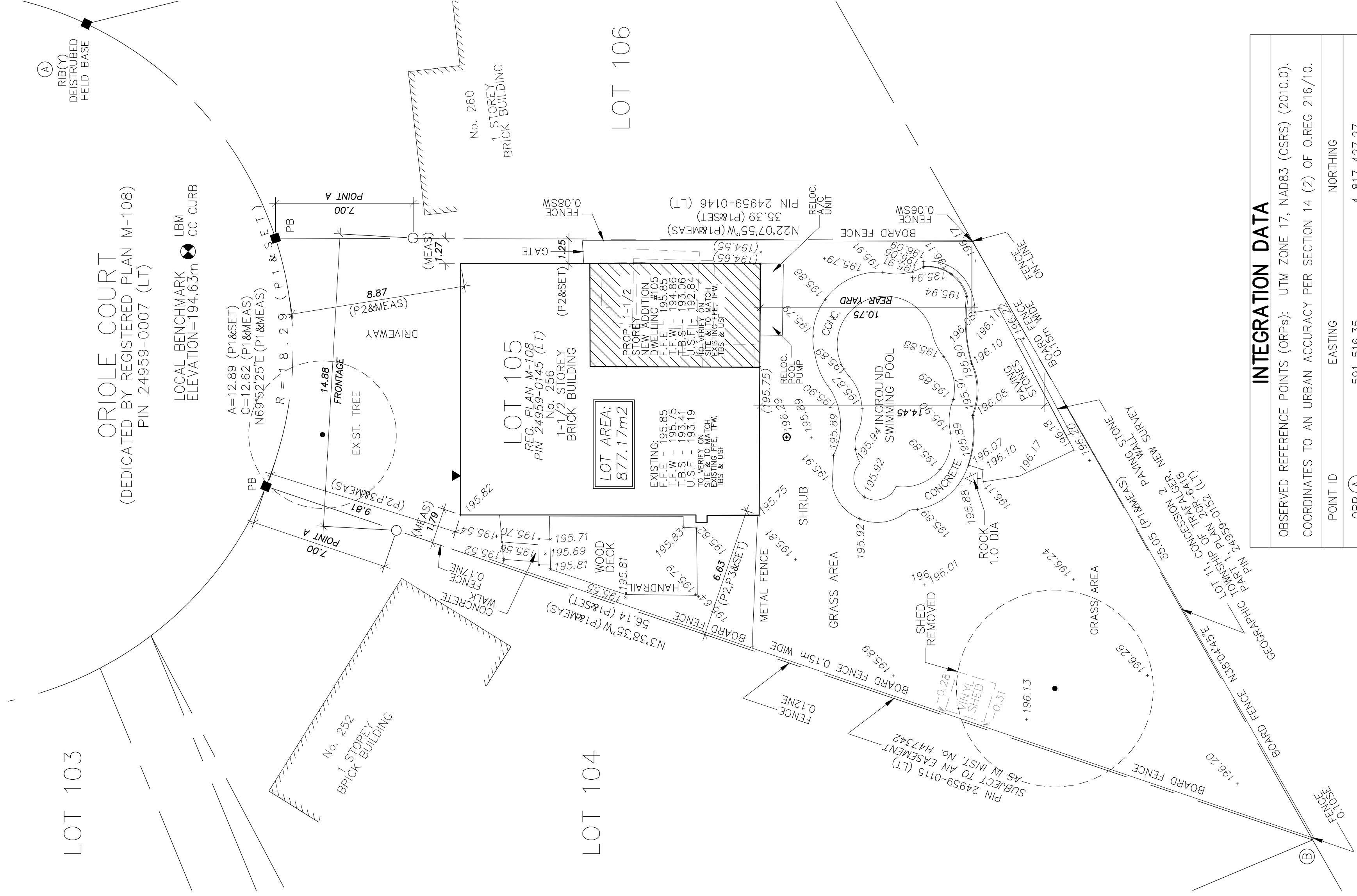


KEY PLAN  
N.T.S.  
PROJECT: 256 ORIOLE CRT., MILTON, ON.



LANDSCAPED OPEN SPACE	
LOT AREA - 877.17m <sup>2</sup> - (RLD1)	
DWELLING	196.69m <sup>2</sup> (22.4%)
WD. DECK	26.92m <sup>2</sup> (3%)
POOL & POOL DECKING	85.39m <sup>2</sup> (9.7%)
HARDSCAPE	30.68m <sup>2</sup> (3.5%)
TOTAL COVERED SPACE:	339.83m <sup>2</sup> / 877.17m <sup>2</sup> = 38.7%

LANDSCAPED OPEN SPACE	
LOT AREA 877.17m <sup>2</sup> (RLD1)	
*EXCLUDING LANDSCAPED OPEN SPACE FROM LOT COVERED	
LOT AREA = 877.17m <sup>2</sup> - 309.15m <sup>2</sup>	
HARDSCAPE	30.68m <sup>2</sup>
TOTAL COVERED SPACE:	30.68m <sup>2</sup> / 568.02m <sup>2</sup> = 5.4%



**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (CSRS) (2010.0). COORDINATES TO AN URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.		
POINT ID	EASTING	NORTHING
ORP (A)	591 516.35	4 817 427.27
ORP (B)	591 501.64	4 817 353.89
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		
THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 74.86 N 11°20'10" E		

70 Main Street N, P.O. Box 38  
Cambridge, ON, L0P 1B0  
Ph: 905-854-9696  
Fax: 905-854-9696  
Call 905-815-3438  
EMAIL: jeffjansen@designmail.com

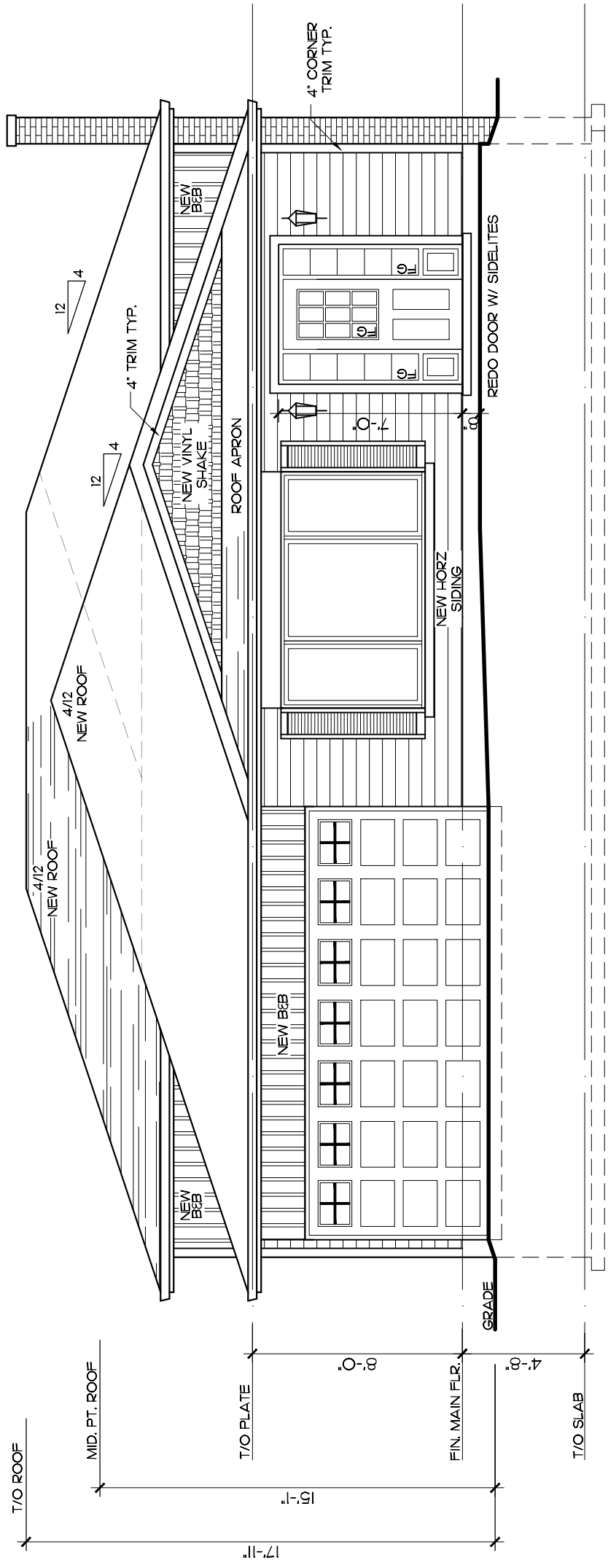
**Jansen Consulting**  
DESIGN & CONSULTING SERVICES  
TYPE : ADDITION/RENO.  
PROJECT : 256 ORIOLE COURT  
LOCATION : MILTON, ONTARIO

OWNERS INFORMATION :  
MIKE & LOUISE  
256 ORIOLE COURT  
MILTON, ONT.  
L9T3R4

**SITE PLAN GENERAL NOTES**

SCALE	DATE	PROJECT NO.
AS SHOWN	MAY 2021	2021-011
DATE	DESIGNED BY	DRAWING NO.
MAY 2021	JEFF JANSEN	51
DATE	DESCRIPTION	REVISIONS
MAY 2021	2021-0255	

**FIGURE 2 DS-083-21**



# FRONT ELEVATION PROPOSED

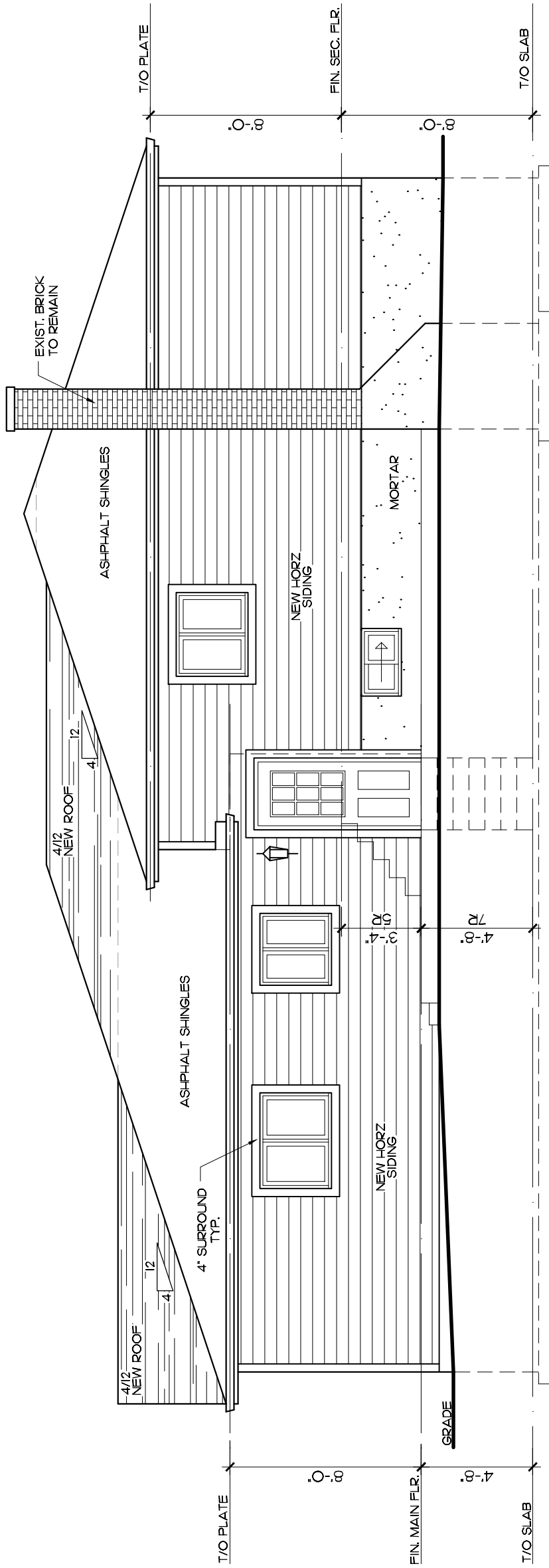
NOTE: FLOOR PLANS & ELEVATIONS ARE FOR LAYOUT PURPOSE ONLY. AREA, DIMENSIONS & ROOM SIZES MAY VARY. ALL CHANGES & EXTRAS AS PER BUILDER PURCHASE & SALES AGREEMENT



70 Main Street N., P.O. Box 38  
Campbellville, ON, L0P 1B0  
Ph. 905-854-9696  
Fax 905-854-9559  
Cell 905-815-3438  
EMAIL : jeffjansendesign@gmail.com

OWNERS INFORMATION :  
MIKE & LOUISE  
256 ORIOLE COURT  
MILTON, ONTARIO

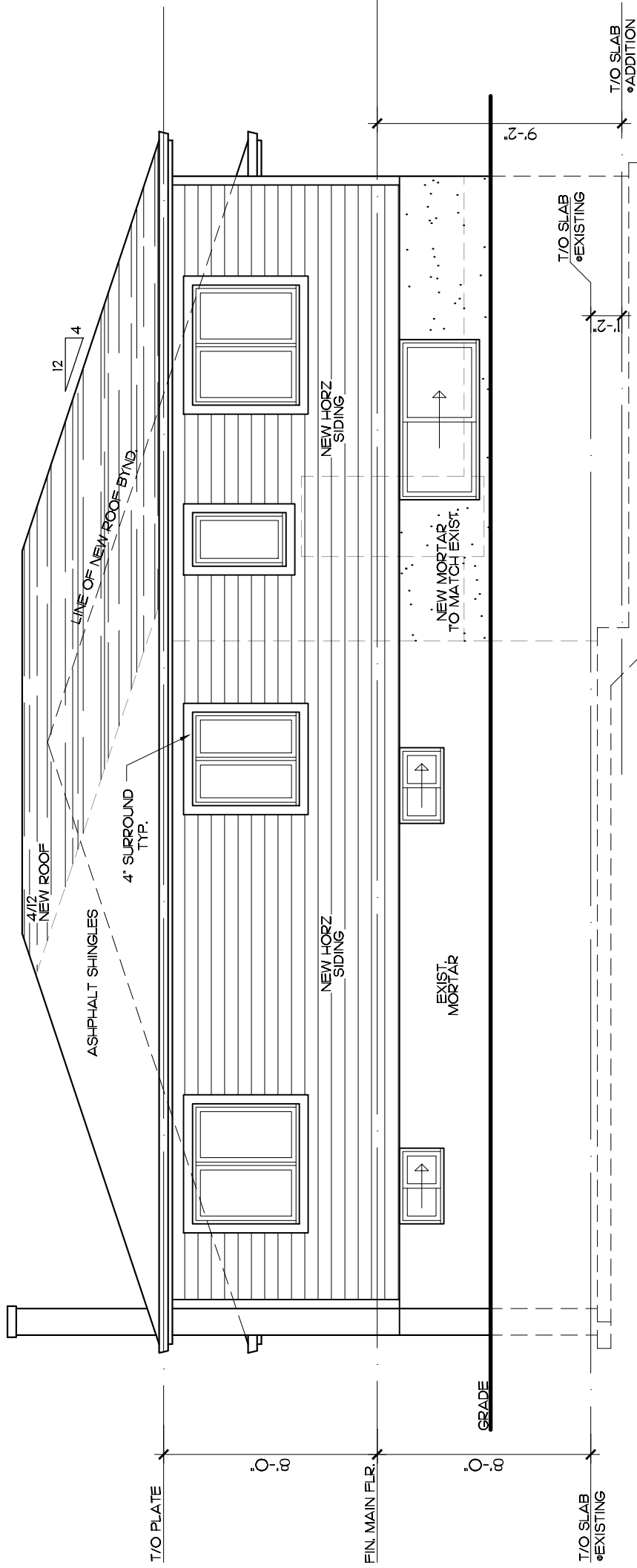
D04



# RIGHT ELEVATION PROPOSED

NOTE: FLOOR PLANS & ELEVATIONS ARE FOR LAYOUT PURPOSE ONLY. AREA, DIMENSIONS & ROOM SIZES MAY VARY. ALL CHANGES & EXTRAS AS PER BUILDER PURCHASE & SALES AGREEMENT



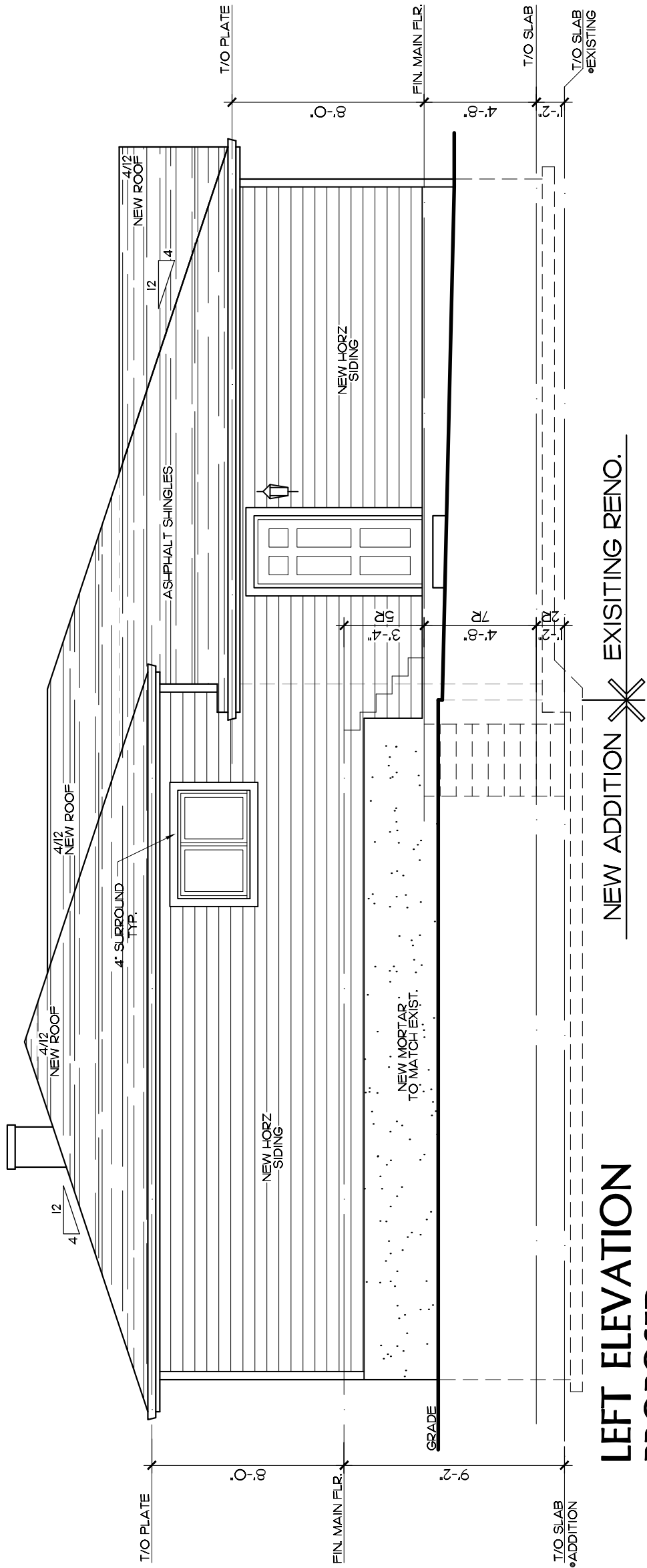


# REAR ELEVATION PROPOSED

EXISTING RENOVATION

NEW ADDITION

NOTE: FLOOR PLANS & ELEVATIONS ARE FOR LAYOUT PURPOSE ONLY. AREA, DIMENSIONS & ROOM SIZES MAY VARY. ALL CHANGES & EXTRAS AS PER BUILDER PURCHASE & SALES AGREEMENT



**LEFT ELEVATION  
PROPOSED**

NOTE: FLOOR PLANS & ELEVATIONS ARE FOR LAYOUT PURPOSE ONLY. AREA, DIMENSIONS & ROOM SIZES MAY VARY. ALL CHANGES & EXTRAS AS PER BUILDER PURCHASE & SALES AGREEMENT

PRODUCT	SUPPLIER	COLOUR
STONE	BRAMPTON BRICK	GRAY TONE
BOARD & BATTEN	MAIBEC	TO BE WHITE OR OFF-WHITE AS NOTED ON THE APPROVED SITE PLAN APPROVAL PACKAGE
HORIZ. WOOD SIDING	MAIBEC	GRAY TONE, TO BE DIFFERENT SHADE THAN STONE & SHAKE
SHAKE SIDING	MAIBEC	DARK GRAY TONE
FRIEZE – ALUM.	ALUM.	DARK GRAY/BLACK
WINDOWS	CASA BELLA	BLACK
SHINGLES	BP CANADA	TWILIGHT GRAY
WIN. MUNTIN BARS	CASA BELLA	SDL – BLACK