

Report To: Council

From: Jill Hogan, Acting Commissioner, Development Services

Date: December 13, 2021

Report No: DS-097-21

Subject: Authorization for Submission of a Minor Variance Application on

lands municipally known as 311 Bell Street, Milton

**Recommendation:** THAT Report DS-097-21 entitled "Authorization for Submission

of a Minor Variance Application on lands municipally known as

311 Bell Street.", dated December 13, 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 311 Bell Street 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 #: DS-097-21 Page 2 of 4

#### **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
- 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 311 Bell Street has indicated their desire to submit a Minor Variance Application to seek relief from the interior side yard setback provision of the site specific Residential Low Density III (RLD3\*300) Zone (to allow a setback for 1.28 m, whereas 1.80 m is required), to facilitate construction of an addition to the existing single-story dwelling.

Since the enactment of Bill 73, the Development Services Department has implemented an approach that assumes no Minor Variance Applications are permitted before the



Report #: DS-097-21 Page 3 of 4

#### Discussion

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 a variance 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, front yard setback and architectural design; and
- The proposed addition is respectful of and consistent with the character of the surrounding neighbourhood. The addition and façade materials contribute to preserving neighbourhood character; and
- The proposed addition introduces a moderate increase in height (proposed height of 5.2m, whereas the maximum permitted is 9.0m) and utilizes the existing roof slope, which ensures the look and appearance of the dwelling from the right of way is maintained.

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,

Jill Hogan, MCIP, RPP Acting Commissioner, Development Services

For questions, please contact: Rachel Suffern, MSc, MPA Phone: Ext. 2263

Planner

#### **Attachments**

Figure 1 Location Map

Figure 2 Proposed Drawings & Elevations

Figure 3 Site Plan

CAO Approval Andrew M. Siltala Chief Administrative Officer



Report #: DS-097-21 Page 4 of 4

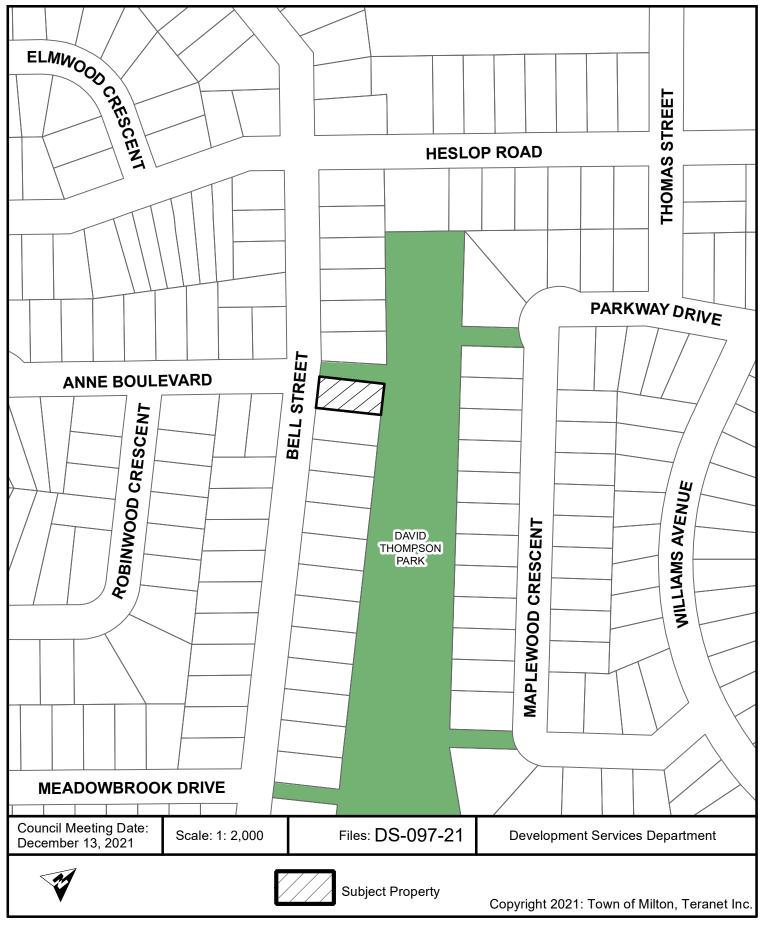
### **Recognition of Traditional Lands**

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 Huron-Wendat 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





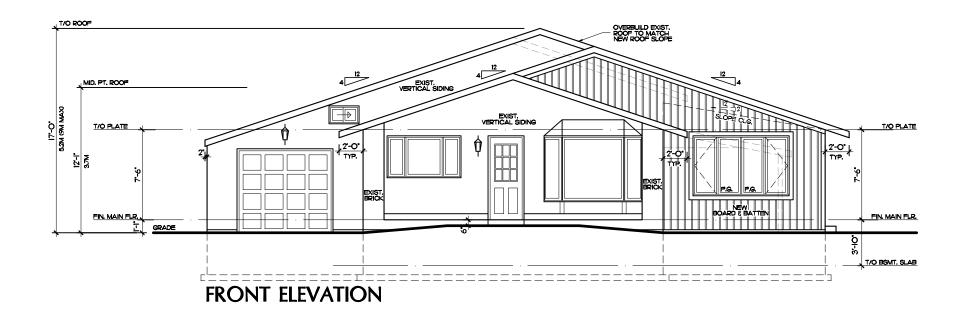


70 Main Street N., P.O. Box 38
Campbellville, ON, LOP 1B0
Ph. 905-854-9696
Fax 905-854-9559
Cell 905-815-3438
EMAIL: jeffjansendesign@gmail.com

OWNERS INFORMATION:
JESSI & JEFF
311 BELL ST.
MILTON, ON
PHONE 905-878-4634
EMAIL: JESSALDERTON05@GMAILCOM

D04

# FIGURE 2 DS-097-21





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

OWNERS INFORMATION:

JESSI & JEFF
311 BELL ST.

MILTON, ON
PHONE: 905-878-4634

EMAIL: JESSALDERTON05@CMAILCOM

TO PLATE

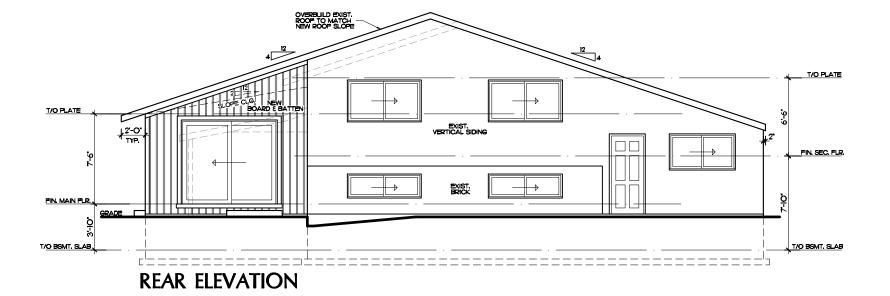
TO BOMT, SLAB

RIGHT ELEVATION



70 Main Street N., P.O. Box 38 Campbellville, ON, LOP 180 Ph. 905-854-9696 Fax 905-854-9559 Cell 905-815-3438 EMAIL: jeffjansendesign@gmail.com

OWNERS INFORMATION:
JESSI & JEFF
311 BELL ST.
MILTON, ON
PHONE 905-878-4634
EMAIL: JESSALDERTON05@GMAILCOM



# LOT 239 REGISTERED PLAN No. 568 TOWN OF MILTON REGIONAL MUNICIPALITY OF HALTON

LEGEND	_			
□ нт	DENOTES HYDRO TRANSFORMER	R.W.L.	DENOTES RAIN WATER LEADERS	
MH	DENOTES MANHOLE	`.	DIRECTION & SPLASH PADS	
СВ	DENOTES SINGLE CATCHBASIN		ENTRY POINTS INTO BUILDING	
O HP	DENOTES HYDRO POLE	<b></b>	DIRECTION OF SURFACE FLOW	
O LS	DENOTES LIGHT STANDARD	F.F.	FINISHED MAIN FLOOR	
O SIGN	DENOTES SIGN	F.F.D.S.	DROPPED OR SUNKEN FLOOR	
<u> ○</u> TM	DENOTES TELEPHONE CABLE MARKER	T.F.W. F.B.S.	TOP OF FOUNDATION WALL FINISHED BASEMENT SLAB	
d PED	DENOTES TELEPHONE PEDESTAL	U.S.F.	UNDERSIDE OF FOOTING	
O WV	DENOTES WATER VALVE MAIN SHUT OFF	U.S.F.G	UNDERSIDE OF FOOTING GARAGE	
→ WB	DENOTES WATER BOX/ CURB STOP	U.S.F.T.	UNDERSIDE OF FTG. TRENCHED	
- <b>Q</b> - FН	FIRE HYDRANT		FOR WALKOUTS, LOOKOUTS	
₩ GM	GAS METER	EF	ENGINEERED FILLED LOT	
— OH —	DENOTES OVERHEAD HYDRO WIRE	HP	HIGH POINT OF GRADE	
— UH —	DENOTES UNDERGROUND HYDRO WIRE	R	NUMBER OF RISERS	
—T—	DENOTES OVERHEAD TELEPHONE WIRE	WO	WALKOUT CONDITION	
— G —	DENOTES UNDERGROUND GAS LINE	LO	LOOKOUT CONDITION	
— ст —	DENOTES OVERHEAD OR UNDERGOUND CABLE T.V.	REV	REVERSE PLAN	
—— R——	DENOTES BELL UNDERGROUND OR OVERHEAD	W	WINDOWS OR DOORS ON WALL	

———— B——— DENOTES BELL UNDERGROUND OR OVERHEAD BELL PEDESTAL

SANITARY CONNECTION / INVERT STORM CONNECTION / INVERT CHAIN LINK FENCE ——X X—— PRIVACY FENCE GENERAL NOTES :

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

JANSEN CONSULTING IS TO BE NOTIFIED PROMPTLY PROMPTLY OF ANY DISCREPANCIES AT LEAST 1 (ONE) WEEK BEFORE EXCAVATION COMMENCES IN ORDER THAT THE BUILDING CAN BE RESISTED FAILURE TO OBSERVE THESE CONDITIONS MAY REQUIRE MAY REQUIRE EXPENSIVE REMEDIAL ACTION THAT WILL NOT BE THE RESPONSIBILITY OF OR COST TO JANSEN CONSULTING FOUNDATIONS WALLS SHALL BE POURED TO A MINIMUM OF 6" ABOVE THE APPROVED GRADES.

OSP SUMP PUMP

DENOTES CONIFEROUS TREE 2 DIA = DENOTES DIAMETER

FY FRONT YARD AREA

PRIOR TO DIGGING LOCATES

PRIOR TO DIGGING LOCATES

THE RESPECTIVE AGENCIES.

CALL LOCATES FOR ALL UNDERGROUNDS

PRIOR TO EXCAVATION

WITH IN MUNICIPAL RIGHT OF WAY

REQUIRED FOR SEWER IF APPLICABLE

REQUIRED FOR WATER IF APPLICABLE

BEFORE DIGGING, UNDERGROUND SERVICES SHOULD BE LOCATED ON SITE BY

THE APPLICANT WILL BE REQUIRED TO CONTACT ALL UTILITY COMPANIES TO OBTAIN ALL REQUIRED LOCATES PRIOR TO INSTALLATION OF HOARDING

LA PROP. LANDSCAPED OPEN SPACE (MIN. 40%)

00.00 DENOTES NEW GRADES

00.00 DENOTES EXISTING GRADES DENOTES BENCHMARK DENOTES DECIDUOUS TREE
DIA = DENOTES DIAMETER

TO DEMOLITION. ANY NEW CONSTRUCTION REQUIRES SERVICE PERMIT FROM REGION PART - 2 EXIST. SANITARY PROPOSED 125 MM PVC SDR-28 SANI LATERAL @ 2% MIN. SLOPE

KEY PLAN

SILTATION FENCING TREE HOARDING

OVERHEAD WIRE

TOP OF BANK

NEW WATER LINE FROM WATER BOX INTO HOUSE 3/4" DIA. LINE HALTON REGION INSPECTIONS RERQ'D.

OLD GAS LINE TO BE TERMINATED AT MAIN LINE BY UNION GAS NEW GAS LINE TO BE INSTALLED

TO DWELLING

# APPLICANT MUST CONTACT HALTON REGION TO HAVE WATER TURNED OFF AND METER REMOVED PRIOR NO OPEN BURNING PERMITTED IF REQUIRED

PROJECT: 311 BELL ST. MILTON, ON

# 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, DEVELOPMENT ENGINEERING, AND THAT THE SNOW FENCE SHALL REMAIN IN PLACE UNTIL SUCH TIME AS OTHERWISE DIRECTED BY THE MANAGER, DEVELOPMENT ENGINEERING. -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 SERVICES DEPARTMENT, TOWN OF MILTON, FOR THE PURPOSES OF VEHICULAR ACCESS TO THE PROPERTY, (ENTRANCE PERMIT), AND FOR SERVICING 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 DISTURBED AREAS WITHIN THE MUNICIPAL ROAD ALLOWANCE ARE TO BE REINSTATED

# TO EXISTING CONDITIONS OR BETTER.

GRADING NOTES: 1.EXISTING DRAINAGE OF ABUTTING LANDS IS NOT TO BE

2.BASEMENT OPENINGS TO BE MINIMUM 300MM ABOVE THE CENTERLINE OF ROAD UNLESS OTHERWISE APPROVED BY THE

3.GROUND ELEVATIONS AT BUILDINGS ABUTTING OVERLAND FLOW ROUTES ARE TO BE 225 ABOVE OVERLAND FLOW ROUTE ELEVATIONS. 4. SUMP PUMP MUST DISCHARGE DIRECTLY INTO MUNICIPAL

STORM SEWER OR TO GRADE.

5.A MINIMUM OF 150MM (6") FROM THE TOP OF FOUNDATION TO THE FINISHED GRADE OUTSIDE THE BUILDING MUST BE PROVIDED,

6.THE FINISHED FLOOR ELEVATION, UNDERSIDE OF FOOTING ELEVATION, BASEMENT WINDOW SILL ELEVATION, ETC. ARE TO BE CONFIRMED BY THE CONTRACTOR IN CONSULTATION WITH THE BUILDING DESIGNER, BASED ON THE MIN. TOP OF FOUNDATION ELEVATION PROVIDED.

## 311 BELL ST.

ITEM			ZONING BY-LAW REQUIREMENTS	PROPOSED	
Α	ZONING CATEGORY		RLD-3	RLD-3	
В	LOT AREA		N/A	696.75 M2	
С	LOT COVERAGE		174 M2	168.50 M2	
D	PERCENTAGE OF LANDSCAPE		30 %	64 %	
Ε	MAXIMUM BUILDING HEIGHT FROM GRADE		9 METERS ESTABLISHED GRADE TO UPPERMOST POINT OF ROOF	5.26 M	
_	SIDE YARD SETBACKS -	INTERIOR	1.2 M	1.32 M	
	HOUSE	INTERIOR	1.8 M	1.28 M	
G	FRONT SETBACK		7 M	17.53 M	
Н	H REAR SETBACK		7.50 M	7.75 M	

# REGIONAL APPROVAL :

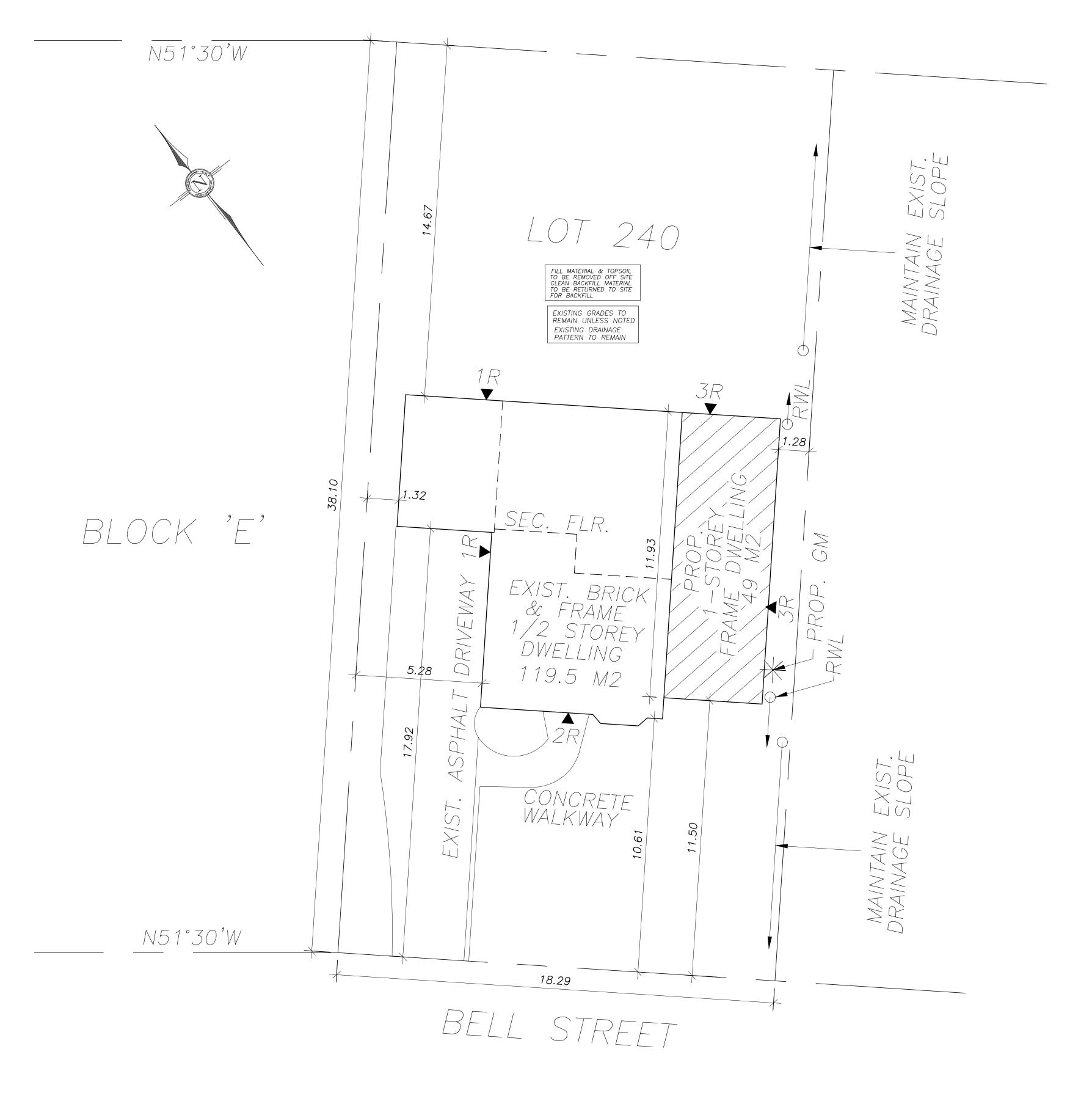
EXIST. WATER TO BE VERIFIED WATER 20 MM

REGION DESIGN OF WATER &/OR WASTEWATER SERVICES APPROVAL SUBJECT TO DETAIL CONSTRUCTION CONFORMING TO HALTON REGION STANDARDS & SPECIFICATIONS & LOCATION APPROVAL FROM AREA MUNICIPALITY.

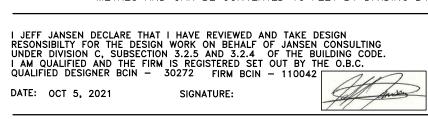
DATED :

INFRASTRUCTURE PLANNING & POLICY

THE APPROVAL OF THE WATER SYSTEM ON PRIVATE PROPERTY IS THE RESPONSIBITLY OF THE LOCAL MUNICIPALITY, REGARDLESS, THE APPLICANT MUST ENSURE THAT THE REGION OF HALTON'S STANDARDS AND SPECIFICATIONS ARE MET, (THE WATER AND WASTEWATER LINEAR DESIGN MANUAL MAY BE OBTAINED ON HALTON.CA OR BY CALLING 311) ALL WATER QUALITY TESTS MUST BE COMPLETED TO THE REGION OF HALTON'S SATISFACTION BEFORE THE WATER SUPPLY CAN BE TURNED ON.



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



nnsen Consulting	70 Main Stree Campbellville, Ph. 905-854-96 Fax 905-854-9 Cell 905-815-3 EMAIL: jeffjar

eet N., P.O. Box 38 e, ON, LOP 1B0	TYPE: M-04
9696 -9559 -3438 ansendesignøgmail.com	PROJECT: 2021-045 LOCATION: MILTON, ON

OWNERS INFORMATION: JESSI & JEFF ALDERTON	SITE PLAN
311 BELL ST.	
MILTON, ON	
PHONE: 905-878-4634	
EMAIL: JESSIALDERTON05"GMAILCOM	

		SCALE 1:500	OCT 5, 2021	PROJECT NO 2021-04
		DRAWN BY	TT CHECKED BY	·   ZOZI - O-
 DATE DESCRIPTION EVISIONS		FILE NAME 2021-045		