



The Corporation of the Town of Milton

Report To:	Council
From:	Jill Hogan, Acting Commissioner, Development Services
Date:	January 17, 2022
Report No:	DS-004-21
Subject:	Exemption to Interim Control By-law 082-2020 for 504 Churchill Avenue, Milton
Recommendation:	<p>THAT Report DS-004-22 for an Exemption to Interim Control By-law 082-2020 for 504 Churchill Avenue, Milton be received;</p> <p>AND FURTHER THAT Council approve the proposed amendment to Interim Control By-law 082-2020, attached as Appendix 2, to permit the Owner to submit a building permit application for the construction of a second storey addition and an attached one car garage.</p>

EXECUTIVE SUMMARY

- On October 19, 2020, Milton Council enacted Interim Control By-law 082-2020 to restrict the level of change in the Town's mature neighbourhoods until new directions have been established through the completion of the Mature Neighbourhood Character Study. Milton Council also approved a process for considering exceptions to Interim Control By-law 082-2020.
- On October 4, 2021 Milton Council approved By-law 113-2021 to extend the period during which Interim Control By-law 082-2020 will be in effect in the Timberlea and Dorset Park neighbourhoods until March 19, 2022. Council further approved that the exemption process no longer apply to Interim Control By-law 082-2020. Notwithstanding this provision, applications for an exemption to Interim Control By-law 082-2020 that were filed prior to the date of the passage of By-law 113-2021 can still be considered by Council.
- On June 16, 2021, prior to the date of the passage of By-law 113-2021, the Owner of 504 Churchill Avenue requested an exception to Interim Control By-law 082-2020 to facilitate the construction of a one-car garage and a second-storey addition on the existing one-storey house on the property.
- The subject report recommends that Council approve a site-specific exception to Interim Control By-law 082-2020, permitting the owner of 504 Churchill Avenue to proceed with a Building Permit Application as the proposed addition makes efficient use of the land, and is in keeping with the character of Churchill Avenue.



REPORT

Background

On October 19, 2020 Council enacted Interim Control By-law (ICBL) 082-2020 for a period of one year to restrict the level of change in the mature neighbourhoods until new directions have been established through the completion of the Mature Neighbourhoods Character Study, and also approved a process for considering exceptions to Interim Control By-law 082-2020.

On November 15, 2021 Council enacted By-law 113-2021 to extend the period during which ICBL 082-2020 will be in effect in the Timberlea and Dorset Park neighbourhoods until March 19, 2022. Council further approved that the exemption process no longer apply to Interim Control By-law 082-2020. Notwithstanding this provision, applications for an exemption to ICBL 082-2020 that were filed prior to the date of the passage of By-law 113-2021 can still be reviewed by Planning staff and considered by Council.

ICBL 082-2020 prohibits the erection of new single-detached, semi-detached, duplex, triplex or townhouse dwellings or additions to existing single-detached, semi-detached or duplex dwellings, resulting in greater than a 25 percent increase in gross floor area and/or increases the height of the structure beyond that which existed on the same lot within the defined areas.

The exemption review process consists of a review of the proposed development within to determine its compatibility with existing neighbourhood character. Council approval is required to grant a site-specific exception to the ICBL to allow an owner to proceed with a building permit or minor variance application.

Upon receipt of a request for exceptions to the Interim Control By-law, the Town notifies all abutting property owners and provide 14 days to make a written submission to the Town for staff consideration. Requests are evaluated against the following Council endorsed criteria:

- Physical character compatibility of the proposed addition with the physical character of the existing neighbourhood, inclusive of height, massing, roof lines and built form;
- Streetscape character compatibility of the proposed addition with the streetscape character of the existing neighbourhood, inclusive of setbacks, building projections, siting on property and relationship to adjacent dwellings; and
- Percentage increase of the gross floor area.

Discussion

On June 16, 2021, the Development Services Department received a request to exempt 504 Churchill Avenue (Lot 126, Plan M68) in the Town of Milton, from Interim Control By-law 082-2020. The subject dwelling is located on a corner lot in the Dorset Park

Discussion

neighbourhood, and is identified as within a mature neighbourhood in Zoning By-law 016-2014. The property is zoned RLD (Low Density Residential). The RLD zone permits single detached dwellings including attached and detached garages. Surrounding land uses are predominantly one and two storey detached dwellings built in the 1970s. A location map of the subject property is attached as Figure 1.

The owner is seeking relief from Interim Control By-law 082-2020 to proceed with a building permit application to facilitate the construction of a one-car garage to replace a carport on the property and a second storey addition on the existing single-detached split-level house. The proposal does not require any variances.

The proposal, attached as Appendix 1 of this report, has the following square footage distribution:

- Main Floor (including new garage): 129.27 square metres (1,391.5 square feet);
- Second Floor: 89.7 square metres (966 square feet); and
- Basement: 53.14 square metres (572 square feet)

During the review, the proponent revised the proposed site plan to correct dimensions, and provide additional information needed to determine zoning compliance. The design was not modified as the proposed new dwelling height, massing and setbacks were consistent with staff's expectations for Churchill Avenue. Through a written submission, one neighbour expressed no concerns with the proposed development.

The request for 504 Churchill Avenue has been reviewed by Planning staff against the Council-approved criteria, and staff is of the opinion that:

Zoning By-law provisions:

- The proposed new dwelling complies with the performance standards of the Zoning By-law. No variances are required.

Physical Character Compatibility:

- The proposed addition represents an appropriate transition to the adjacent one-storey homes.
- The proposed height, measured to the roof peak, is 7.38 metres, is consistent with other two-storey houses in the area.
- The proposal addresses rear yard privacy and sunlight issues.
- The new attached garage will integrate into the overall massing.

Streetscape Character Compatibility:

- The proposed addition ensures a consistent street wall is maintained.
- All existing setbacks are retained.

Discussion

- New exterior material matches the existing material.
- The front yard landscape area is not impacted.

Percentage increase of the gross floor area:

- In accordance with the definition of Gross Floor Area in Interim Control By-Law 082-2020, the proposal’s GFA, will result in an increase of the GFA of the existing dwelling by 57%.
- The overall increase in GFA is contained within the permitted lot coverage.

Staff is of the opinion that the resulting design will not compromise the character of the neighbourhood and represents a good transition in massing to the adjacent properties. As such, Staff recommends that Council approve a site-specific exception to ICBL 082-2020 authorizing the owner to proceed with a building permit application.

In order to grant this site-specific exception to Interim Control By-law 082-2020, Council must amend the by-law by adding a new Section (Appendix 2).

Financial Impact

There is no financial impact associated with this Report.

Respectfully submitted,

Jill Hogan
Acting Commissioner, Development Services

For questions, please contact: Hugo Rincon, Senior Policy Planner Phone: Ext. 2307

Attachments

- Figure 1 - Location Map
- Figure 2 - Applicant Information Package
- Appendix 1 - Interim Control By-law Amendment
- Appendix 2 - Public Comments

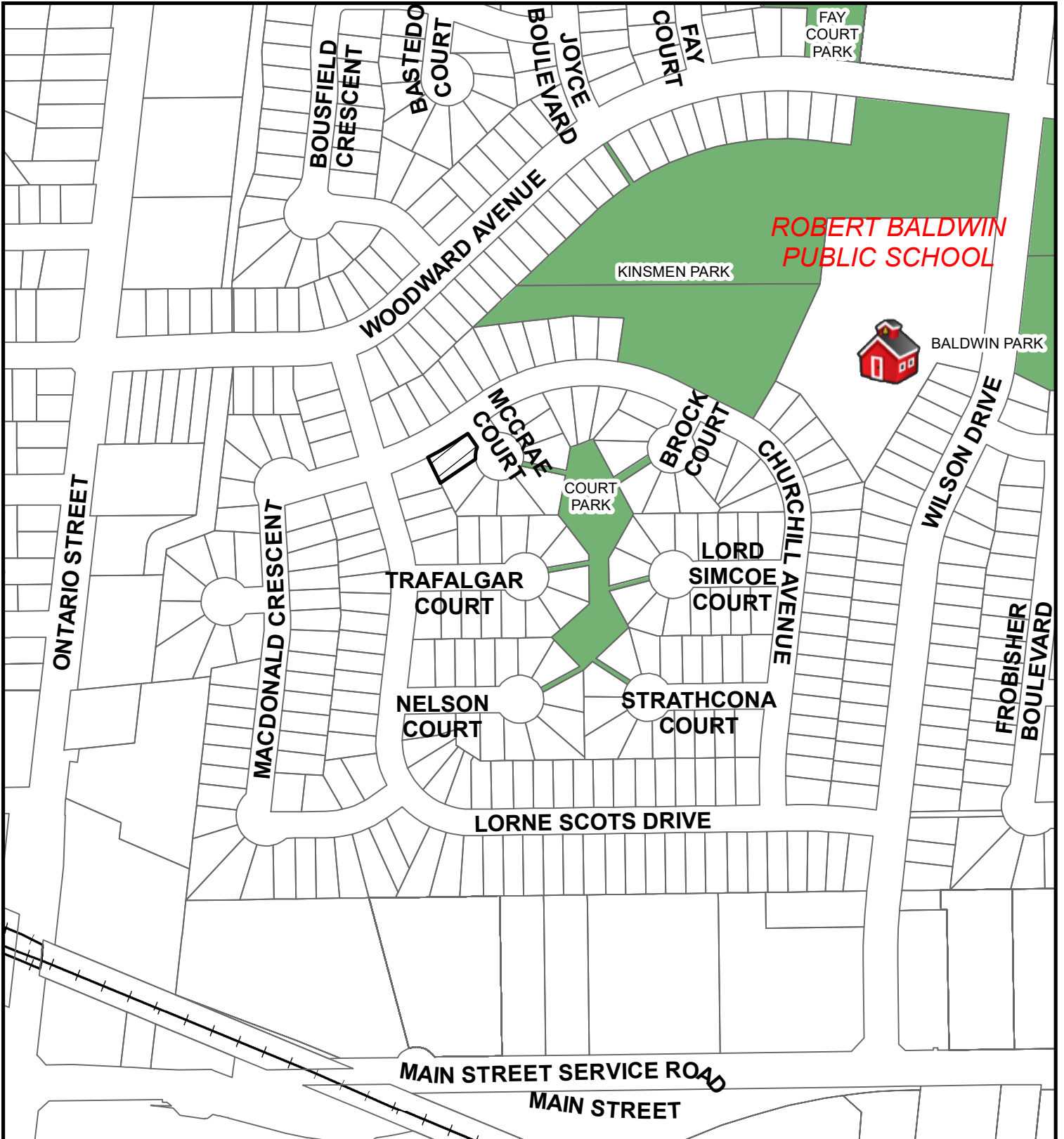
CAO Approval
Andrew M. Siltala
Chief Administrative Officer



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



Council Meeting Date:
January 17, 2022

Scale: 1: 3,000

Files: ICBL-05/21

Development Services Department



Subject Property

John Stirling
94 Ontario, Ave.
Hamilton, Ontario
L8N 2X2
June 16, 2021

Mature Neighbourhoods Character Study
City of Milton, Ontario

RE: 504 Churchill Ave.

Dear Sir/Madam

We understand that there is a mature neighbourhood character study taking place in the area that encompasses Churchill Ave. and that at present it is under an interim control by-law.

We are looking to expand the house known as 504 Churchill to include living quarters for parents/grandparents. Due to financial factors the house needs to accommodate multiple generations. Although not new in these difficult times the present house has restrictions:

- 1) The present house is a 1 story side split of 1284 sq. ft.
- 2) The basement is only 660 sq.ft. with a 624 sq. ft. crawl space (not even a full basement)
- 3) The house has a car port of 270 sq.ft.
- 4) We propose to turn the carport into a garage with the same sq. footage.
- 5) To add a second floor over the lower section of the house and over the garage which would add 966 sq. ft. (two bedrooms and two bathrooms)
- 6) These changes would not encroach onto the land in any way.
- 7) The total new area would be 75% of the existing house floor sq.ft. or 43% if the garage area and the finished basement area are included.

Please see existing house images as well as proposed elevations attached. Also attached typical houses around no.504 Churchill Ave.

This is a neighbourhood that has an assortment of housing options but two story houses seem to be more common than other types.

Sincerely

John Stirling
BCIN# 33733



4 views of 504

Churchill Ave





on Churchill Ave.



on Woodward Ave.



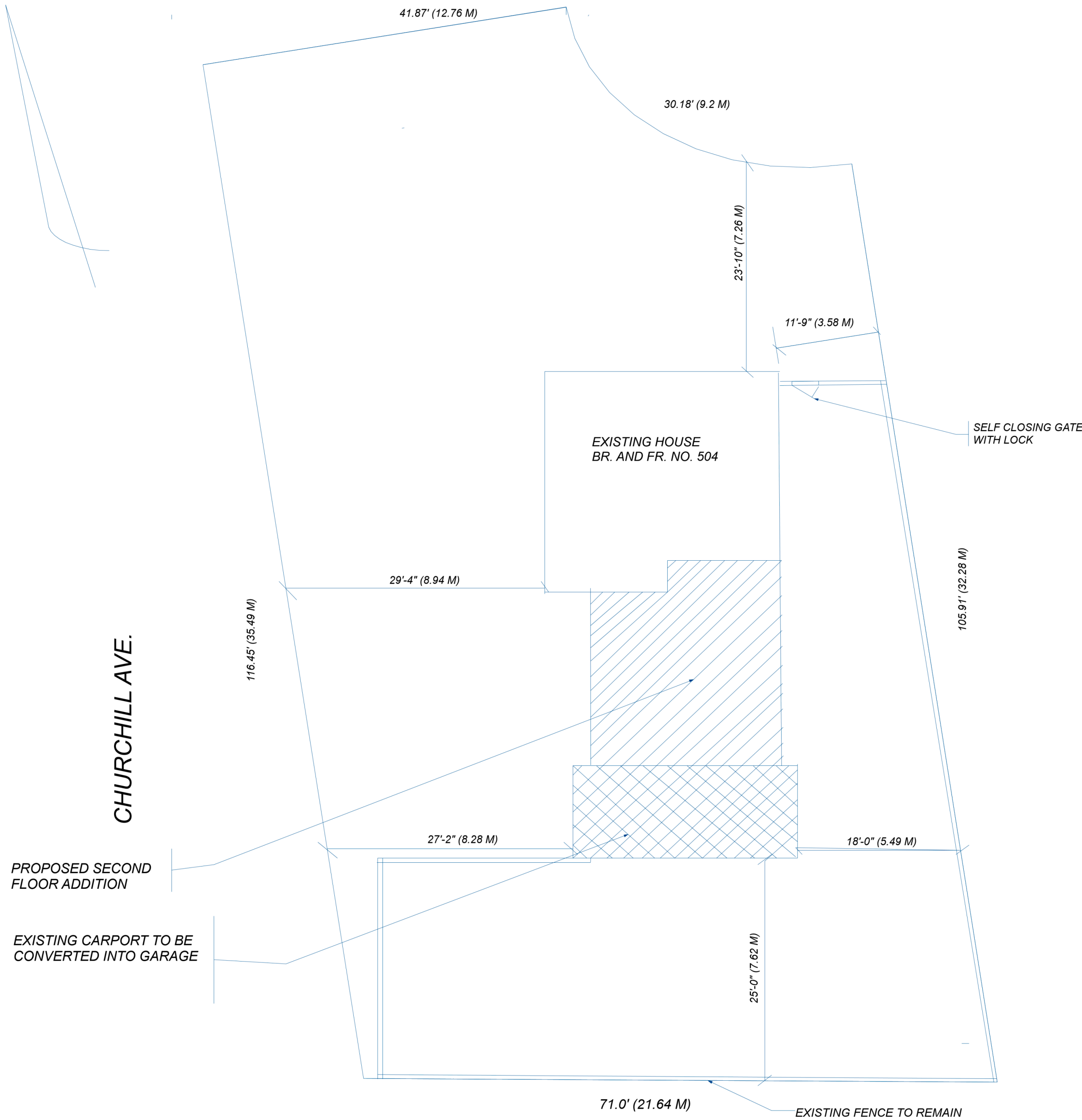
on McCrae Ct.



on Churchill Ave

N

MACRAE CR.



**504 CHURCHILL AVE.
MILTON, ONTARIO**

NOTES:

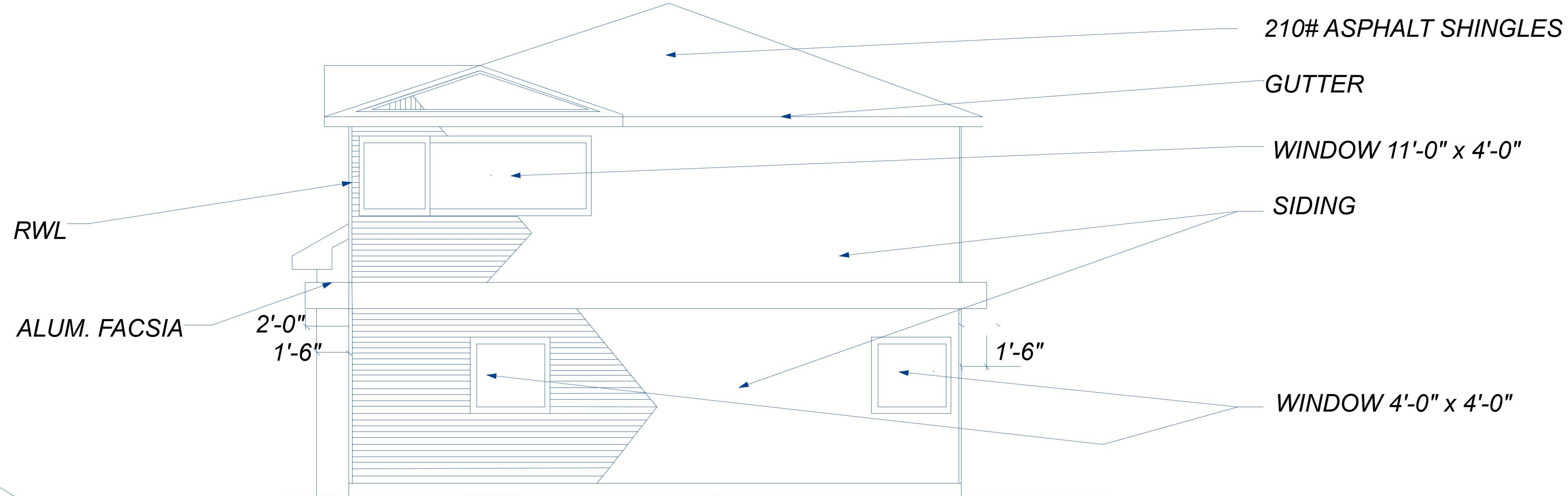
- 1) CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS PRIOR TO CONSTRUCTION AND TO REPORT ANY DISCREPANCIES TO THE DESIGNER.
- 2) DO NOT SCALE OF DRAWINGS
- 3) SCOPE OF WORK - TO ADD A GARAGE, TO REPLACE A CAR PORT AND TO ADD A SECOND FLOOR WITH 2 BEDROOMS AND 2 BATHROOMS TO A SPLIT LEVEL HOUSE
- 4) HOUSE IS A SINGLE FAMILY DWELLING
- 5) ZONE - RLD
- 6) AREA OF LOT 7505 SQ. FT. (697.24 SQ. M)
 AREA OF HOUSE FOOTPRINT 1106 SQ. FT. (102.75 SQ. M)
 AREA OF EXISTING CAR PORT FOOTPRINT 241.5 SQ. FT.(22.43 SQ M)
 AREA OF BASEMENT 572 SQ. FT (53.14 SQ. M)
 AREA OF CRAWL SPACE 534.75 SQ. FT. (49.67 SQ. M)
 NEW AREA OF THE GARAGE 285.5 SQ. FT (26.52 SQ. M)

 NEW SECOND FLOOR ADDITION 966 SQ. FT. (89.74 SQ. M)

 THE TOTAL FOOTPRINT OF THE HOUSE INCLUDING THE GARAGE IS 1389 SQ. FT (129.04 SQ.M)
- THE RLD ZONE ALLOWES FOR 25% LOT COVERAGE FOR A LOT WITH AN AREA BETWEEN 660 SQ. M AND 830 SQ. M
 OUR LOT COVERAGE IS 18.5% WELL BELOW THE MAXIMUM.
- 7) WE MEET ALL THE SET BACK REQUIREMENTS FOR THIS LOT.

SITE PLAN

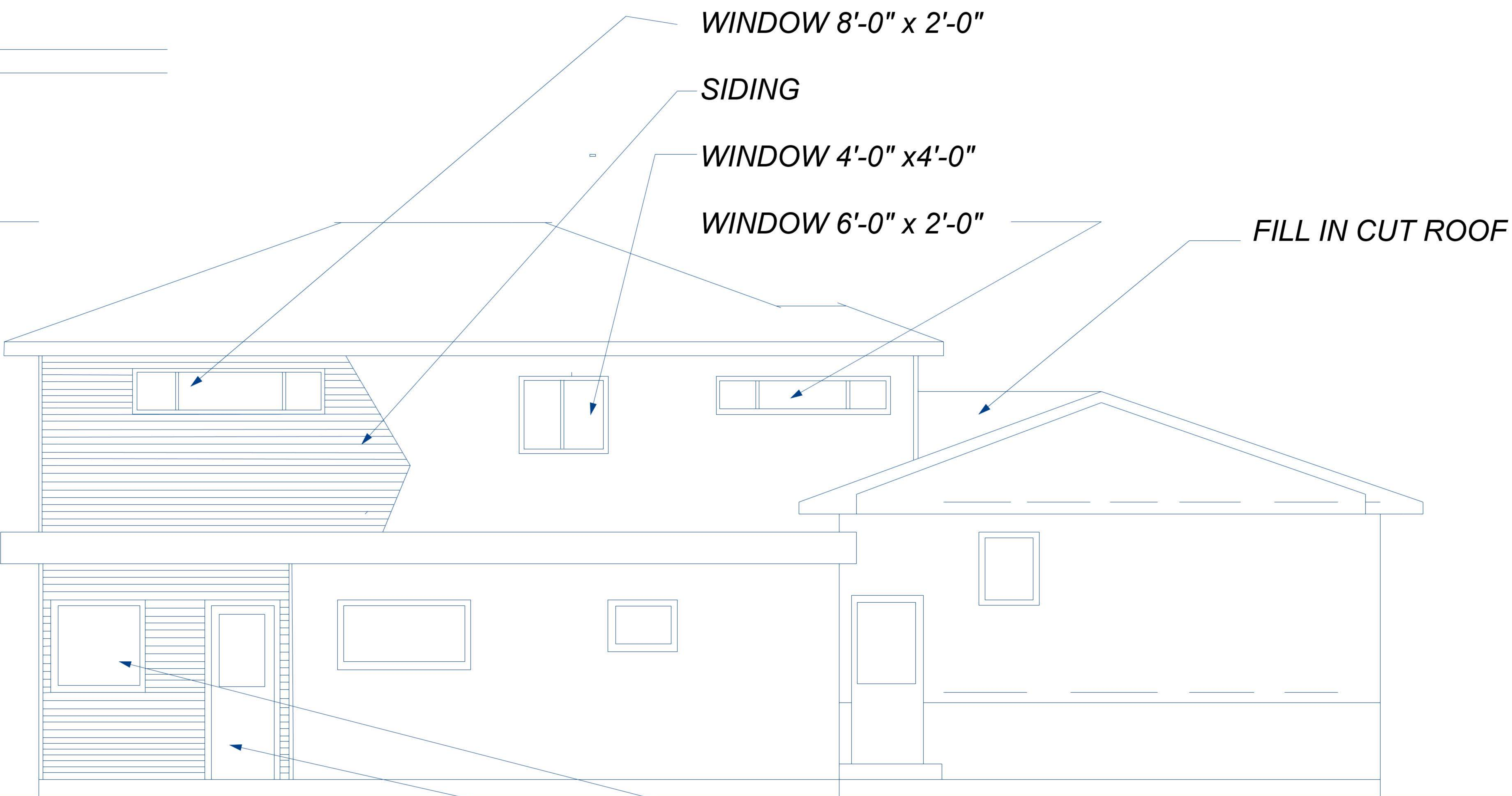
SCALE 1/4" - 1'



SIDE ELEVATION

SCALE 1/4" - 1'

- WINDOW 11'-0" x 4'-0"
- SIDING
- WINDOW 5'-0" x 4'-0"
- WINDOW 2'-0" x 2'-3"
- OVERHEAD DOOR 8'-0" x 7'-0"



REAR ELEVATION

SCALE 1/4" - 1'

- WINDOW 4'-0" x 4'-0"
- DOOR 3'-0" x 7'-0"

QUALIFICATION INFORMATION

John Stirling BCIN# 33733

7.38m

24'-3"

FRONT ELEVATION

SCALE 1/4" - 1'

THE CORPORATION OF THE TOWN OF MILTON
BY-LAW NO. XXX-2022

BEING A BY-LAW TO AMEND THE TOWN OF MILTON INTERIM CONTROL BY-LAW NO. 082-2020 AS AMENDED TO GRANT A SITE-SPECIFIC EXCEPTION FOR THE PROPERTY LEGALLY DESCRIBED AS LOT 125, PLAN M68 AND MUNICIPALLY IDENTIFIED AS 504 CHURCHILL AVENUE, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON

WHEREAS on October 19, 2020, the Council of the Corporation of the Town of Milton enacted Interim Control By-law No. 082-2020 to control the development of single detached, semi-detached, duplex, triplex, quadraplex and townhouse dwellings within defined areas of the Town of Milton for a period of one year;

AND WHEREAS on October 19, 2020, the Council of the Corporation of the Town of Milton approved Report No. DS-044-20, which among other matters, recommended a process through which Council could consider exempting properties from the provisions of the Interim Control By-law No. 082-2020;

AND WHEREAS on October 4, 2021, the Council of the Corporation of the Town of Milton approved By-law No. 113-2021 to extend the period during which Interim Control By-law No. 082-2020 will be in effect in the Timberlea and Dorset Park Neighbourhoods until March 19, 2022;

AND WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Interim Control By-law No. 082-2020;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1.0 That Interim Control By-law 082-2020, is hereby amended by adding the following section:

"15. Notwithstanding Section 1 of this By-law, the by-law shall not apply to the property with the municipal address 504 Churchill Avenue, Milton, and the owner shall be permitted to submit a Building Permit application for the construction of a second storey addition and an attached one car garage on the lot".

PASSED IN OPEN COUNCIL ON JANUARY 17, 2022

Gordon A. Krantz Mayor

Meaghen Reid Town Clerk

Debbie Johnson

From: Stuart Ross [REDACTED]
Sent: Monday, December 6, 2021 4:23 PM
To: Debbie Johnson
Subject: Request for Exemption to the Interim Control By-Law 082-2020

Re: Location: 504 Churchill Avenue (Lot 125, Plan M68)
Town File: ICBL-05/21

Hi Debbie,

In reply to the standard letter dated November 29 2021 that you mailed to the various properties within 60 meters of the above subject property, my comments are as follows:

- I have no objection whatsoever to the detailed modifications proposed for the renovations or rebuilding of the existing dwelling in question.
- I feel the extent of the proposed addition or modifications to the existing dwelling in no way compromises the physical character of the existing neighbourhood. Especially in respect of the height, massing, roof lines, and the general form of the build.
- The streetscape character of the finished proposed dwelling in fact would actually enhance the character of the existing neighbourhood.
- Basically, I totally agree with the owners of the above said property that Council should without hesitation allow an exemption to the Owner to allow them to proceed with the approval of the required building permit.
- The approval of an exemption(s) by the Town's Council again should be granted to the Owners for the specific Interim Control By-Laws numbered 078-2021, 082-2020, and 113-2021.

Sincerely,
Stuart Ross

I am the owner of and live at the following address:

Stuart Ross
[REDACTED]

Sent from [Mail](#) for Windows