



The Corporation of the Town of Milton

Report To:	Council
From:	Jill Hogan, Acting Commissioner, Development Services
Date:	March 21, 2022
Report No:	DS-018-22
Subject:	Authorization for Submission of a Minor Variance Application on lands municipally known as 239 Bell Street, Milton
Recommendation:	<p>THAT Report DS-018-22 entitled “Authorization for Submission of a Minor Variance Application on lands municipally known as 239 Bell Street”, dated March 21, 2022 be received;</p> <p>AND THAT in accordance with the provisions of subsections 45(1.4) of the <i>Planning Act</i>; 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 077-2021, before the second anniversary of the day on which the by-law was approved by Council.</p>

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 239 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

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 239 Bell Street has indicated their desire to submit a Minor Variance Application to seek relief from the maximum lot coverage provisions of the site-specific Residential Low Density III (RLD3*300) Zone (to allow a lot coverage of 26.6%, where as 20% is permitted, with an additional 1% for covered porches) to facilitate the construction of a 1 ½ storey 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



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 077-2021 for the following reasons:

- The proposal exhibits an architectural style and features that contribute to retaining elements that define the character of the neighbourhood.
- The proposed dwelling introduces increased lot coverage, but does not negatively impact the character of the area. The design of the addition results in a 1 ½ storey structure contained within a portion of the roof with ample side and front yard setbacks.

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 Site Plan

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



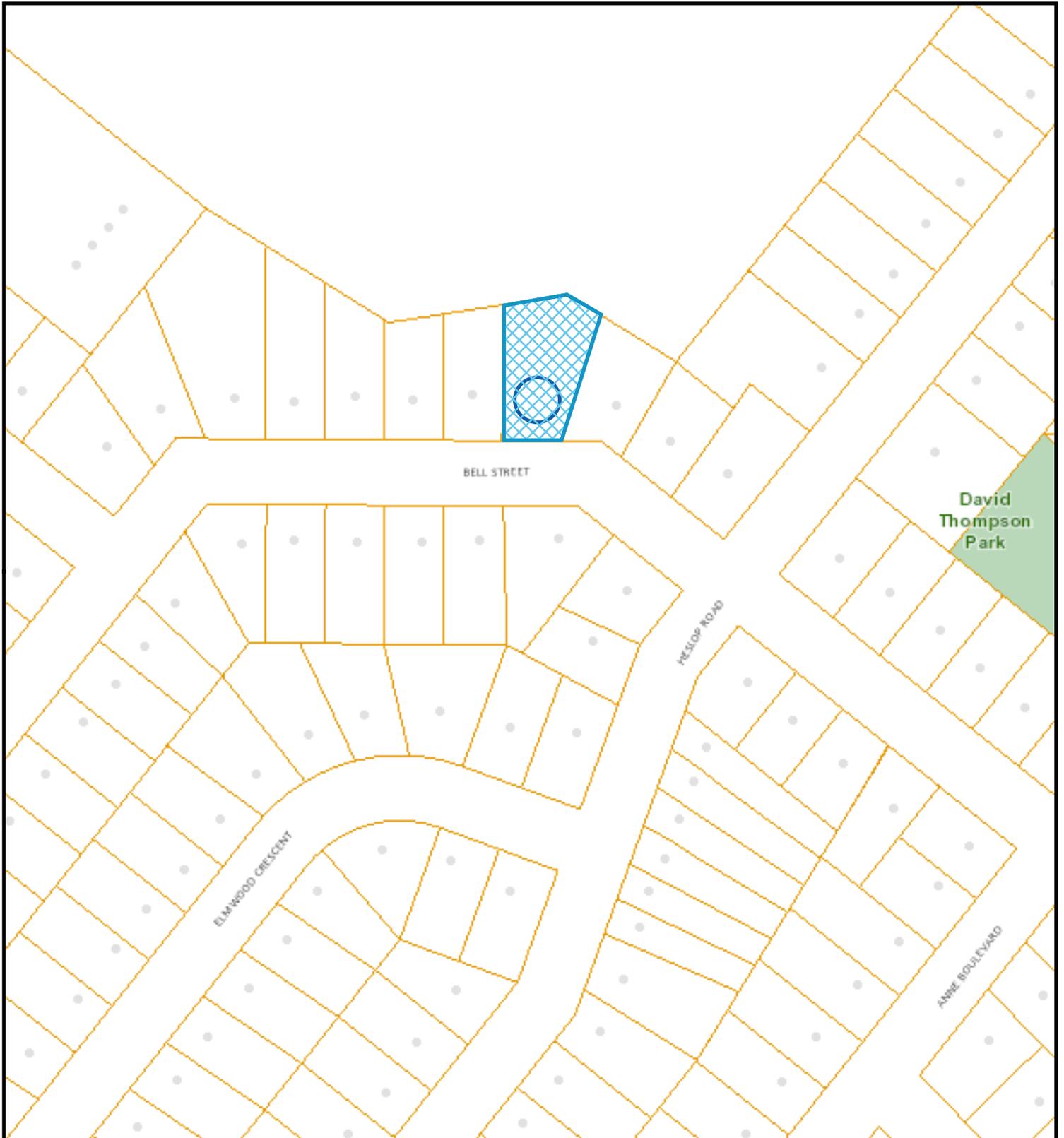
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Recognition of Traditional Lands

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:
March 21, 2022

Scale: 1:2,256.99 FileDS-018-22

Development Services

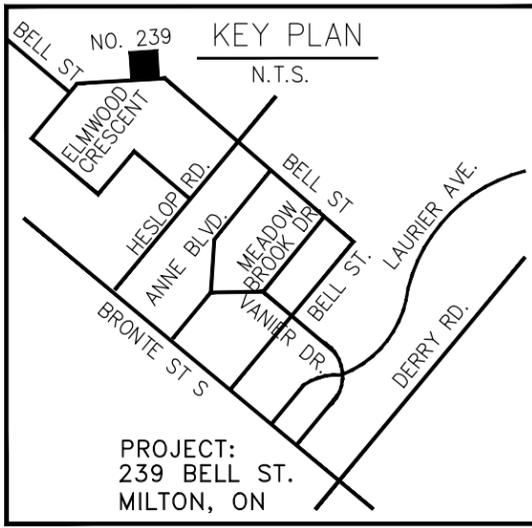


Subject Property

LOT 47
 REGISTERED PLAN No. 556
 TOWN OF MILTON
 REGIONAL MUNICIPALITY OF HALTON

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.



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

HYDRO TO BE DICONNECTED AT DEMOLITION STAGE & INSTALL NEW OVERHEAD SERVICE TO NEW DWELLINGS

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.

APPLICANT MUST CONTACT HALTON REGION TO HAVE WATER TURNED OFF AND METER REMOVED PRIOR TO DEMOLITION. ANY NEW CONSTRUCTION REQUIRES SERVICE PERMIT FROM REGION

NO OPEN BURNING PERMITTED

NOTE: ALL LOCATES WILL BE OBTAINED PRIOR TO THE INSTALLATION OF ANY HOARDING WITHIN MUNICIPAL RIGHT OF WAY

LOCATES :

PRIOR TO DIGGING LOCATES REQUIRED FOR SEWER IF APPLICABLE
 PRIOR TO DIGGING LOCATES REQUIRED FOR WATER IF APPLICABLE

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

CALL LOCATES FOR ALL UNDERGROUNDS PRIOR TO EXCAVATION
 THE APPLICANT WILL BE REQUIRED TO CONTACT ALL UTILITY COMPANIES TO OBTAIN ALL REQUIRED LOCATES PRIOR TO INSTALLATION OF HOARDING WITHIN MUNICIPAL RIGHT OF WAY

PART - 2
 EXIST. SANITARY
 PROPOSED 125 MM PVC SDR-28 SANI LATERAL @ 2% MIN. SLOPE

PART - 2
 EXIST. WATER TO BE VERIFIED WATER 20 MM 'K' TYPE COPPER

LEGEND

- MH DENOTES MANHOLE
- CB DENOTES SINGLE CATCHBASIN
- HP DENOTES HYDRO POLE
- ⊙ SIGN DENOTES SIGN
- WV DENOTES WATER VALVE MAIN SHUT OFF
- ⊕ WB DENOTES WATER BOX/ CURB STOP
- * GM GAS METER
- GAS — DENOTES UNDERGROUND GAS SERVICE
- OW — DENOTES OVERHEAD WIRE
- ○ — BOARD FENCE
- ▶ ENTRY POINTS INTO BUILDING
- 00.00 DENOTES EXISTING GRADES
- DENOTES DECIDUOUS TREE
 DIA = DENOTES DIAMETER

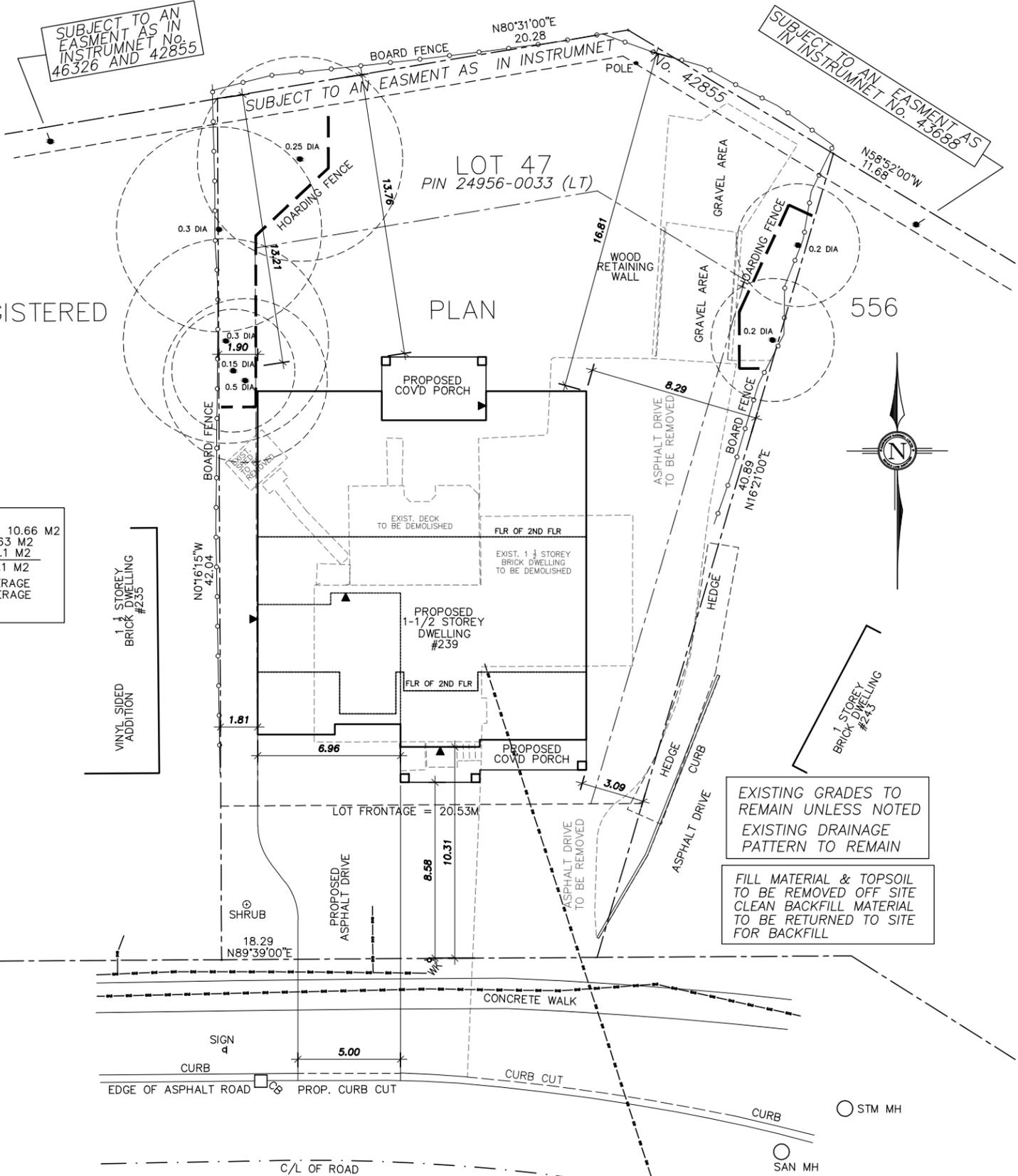
REGISTERED

PLAN

LOT AREA = 1065.51 M²
 LOT COV. ALLOWED @ 20%+1% = 213.10 M² + 10.66 M²
 LOT COV. PROP. DWELLING @ 24.7% = 263 M²
 LOT COV. PROP. PORCHES @ 2.8% = 30.1 M²
 LOT COV. PROP. TOTAL @ 27.5% = 293.1 M²
 PORCH PERMITTED TO EXCEED LOT COVERAGE BY 1% THEREFORE REQUESTED LOT COVERAGE = 26.5% (282.44 M²)

GRADING NOTES:

- EXISTING DRAINAGE OF ABUTTING LANDS IS NOT TO BE DISTURBED.
- BASEMENT OPENINGS TO BE MINIMUM 300MM ABOVE THE CENTERLINE OF ROAD UNLESS OTHERWISE APPROVED BY THE CITY'S ENGINEER.
- GROUND ELEVATIONS AT BUILDINGS ABUTTING OVERLAND FLOW ROUTES ARE TO BE 225 ABOVE OVERLAND FLOW ROUTE ELEVATIONS.
- SUMP PUMP MUST DISCHARGE DIRECTLY INTO MUNICIPAL STORM SEWER OR TO GRADE.
- A MINIMUM OF 150MM (6") FROM THE TOP OF FOUNDATION TO THE FINISHED GRADE OUTSIDE THE BUILDING MUST BE PROVIDED, TYP.
- 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.



EXISTING GRADES TO REMAIN UNLESS NOTED
 EXISTING DRAINAGE PATTERN TO REMAIN

FILL MATERIAL & TOPSOIL TO BE REMOVED OFF SITE
 CLEAN BACKFILL MATERIAL TO BE RETURNED TO SITE FOR BACKFILL

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

BELL STREET

<p>70 Main Street N., P.O. Box 38 Campbellville, ON, L0P 1B0 Ph. 905-854-9696 Fax 905-854-9559 EMAIL: jeffjansendesign@gmail.com</p>	<p>I JEFF JANSEN DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF JANSEN CONSULTING UNDER DIVISION C, SUBSECTION 3.2.5 AND 3.2.4 OF THE BUILDING CODE. I AM QUALIFIED AND THE FIRM IS REGISTERED SET OUT BY THE O.B.C. QUALIFIED DESIGNER BCIN - 50272 FIRM BCIN - 110042</p> <p>DATE: JAN 4, 2022 SIGNATURE: </p>	SITE PLAN	OWNERS INFORMATION								
	<table border="1"> <thead> <tr> <th>REVISIONS NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISIONS NO.	DATE	DESCRIPTION				<table border="1"> <tr> <td>PROJECT 239 BELL ST.</td> <td>LOCATION MILTON, ON</td> <td>DRAWING DEMO SITE PLAN</td> <td>MODEL TYPE M-048</td> </tr> </table>	PROJECT 239 BELL ST.	LOCATION MILTON, ON	DRAWING DEMO SITE PLAN
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SCALE 1:250	DATE JAN 4, 2022	DRAWN BY AS	CHK'D BY JJ	FILE NO.	PROJECT NO. 2021-048	DRAWING NO. S1					