



The Corporation of the Town of Milton

Report To:	Council
From:	Jill Hogan, Acting Commissioner, Development Services
Date:	April 11, 2022
Report No:	DS-021-22
Subject:	Authorization for Submission of a Minor Variance Application on lands municipally known as 399 Bell Street, Milton
Recommendation:	<p>THAT Report DS-021-22 entitled “Authorization for Submission of a Minor Variance Application on lands municipally known as 399 Bell Street.”, dated April 11, 2022 be received;</p> <p>AND THAT in accordance with the provisions of subsections 45(1.4) of the <i>Planning Act; R.S.O. 1990, c.P.13</i>, 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 399 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 399 Bell Street has indicated their desire to submit a Minor Variance Application to seek relief from the following provisions of the site-specific Residential Low Density III (RLD3*300):

- To allow a maximum lot coverage 29.97%, whereas 25% (with an additional 1.25% for a covered porch) is currently permitted.



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 a variance from the provisions of Zoning By-law 071-2021 for the following reasons:

- The proposed dwelling introduces increased lot coverage, but is compensated with a design that strives to minimize the overall perception of the dwelling in terms of façade and be sensitive in its contribution to maintaining the neighbourhood character.
- The height, initially proposed at 9.65 m, was adjusted. The maximum height measured from the average grade now conforms to the maximum 9.0 m established in the Zoning By-law. To reduce the visual impact of the dwelling, the Applicant proposed a design that intends to minimize massing and the vertical impact on the façade and streetscape.

Following staff's recommendations, the applicant also introduced a small step-back on the left side of the dwelling above the garage to further enhance the transition in massing to the adjacent property.

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 and Site Plans



The Corporation of the Town of Milton

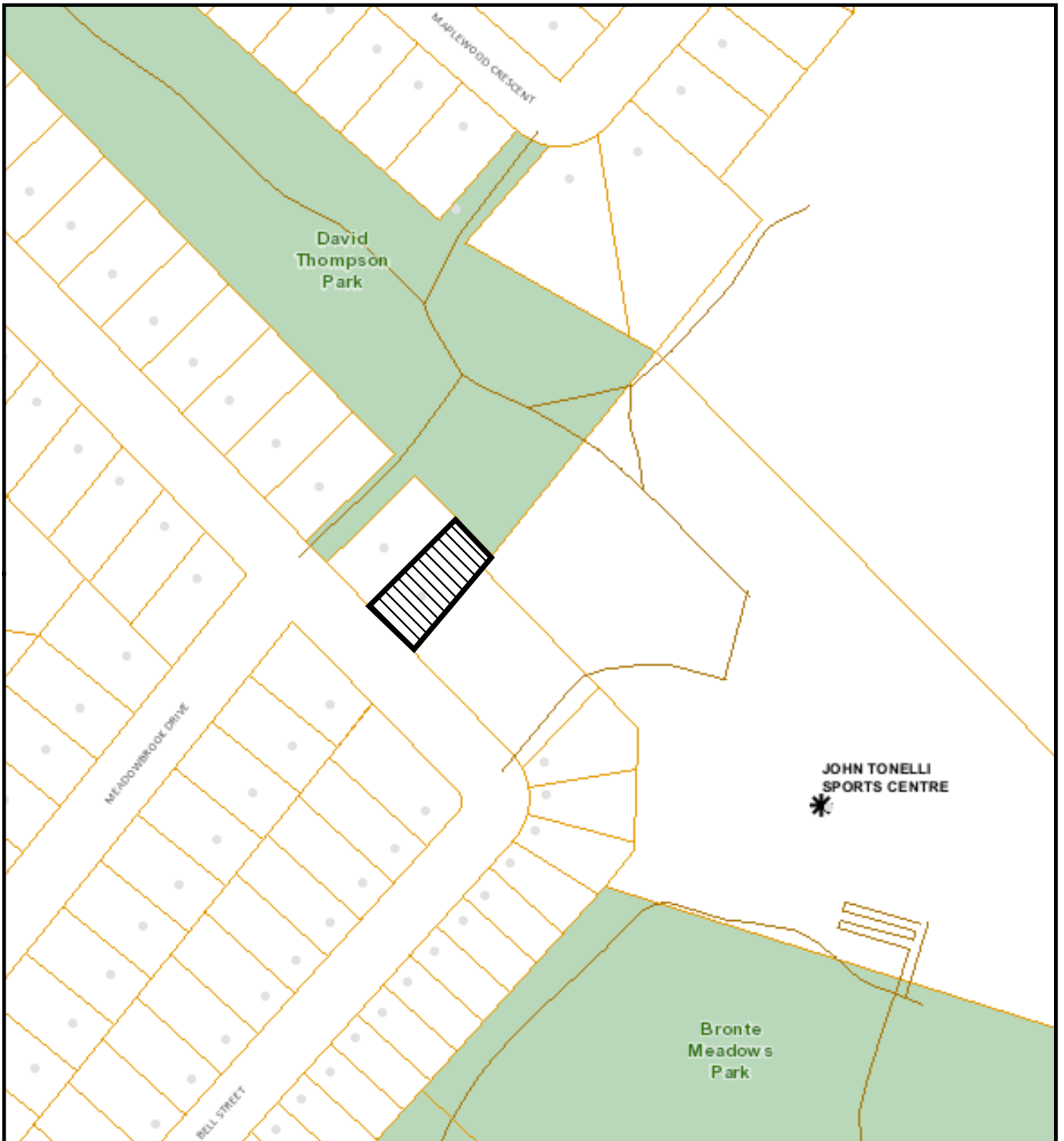
Report #:
DS-021-22
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CAO Approval
Andrew M. Siltala
Chief Administrative Officer

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:
April 11, 2022

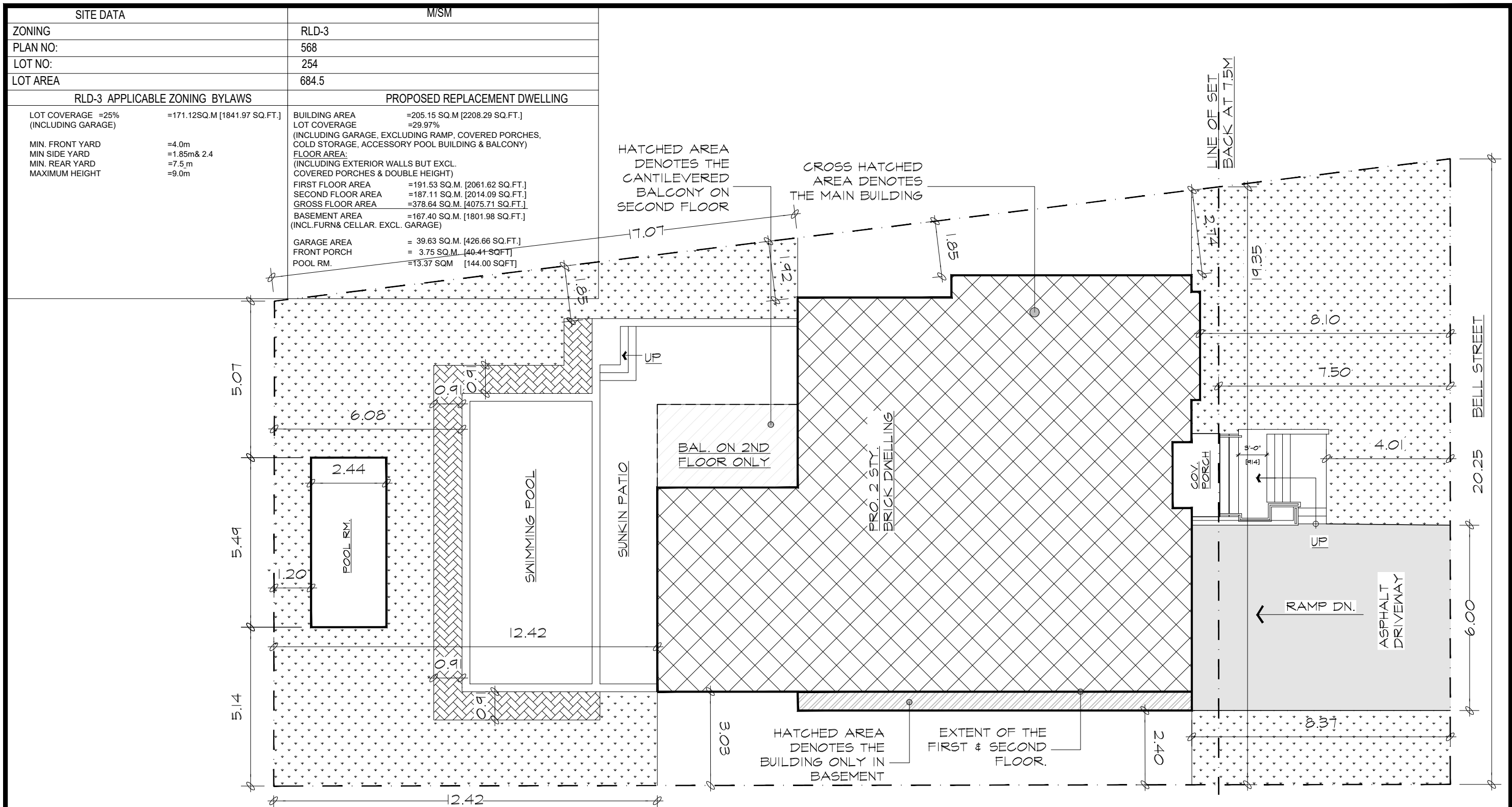
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File:DS-021-22

Development Services



Subject Property



1 SITE PLAN
 A1.0 SCALE= 1:125

ARCHISYSTEM INC.

CONSULTING ARCHITECTS
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Project
 PROPOSED CUSTOM HOUSE
 AT 399 BELL STREET,
 MILTON, ON.

Owner:
 MANSOOR KHAN &
 NOVAIRA KHAN

Sheet title:
 SITE PLAN DATA

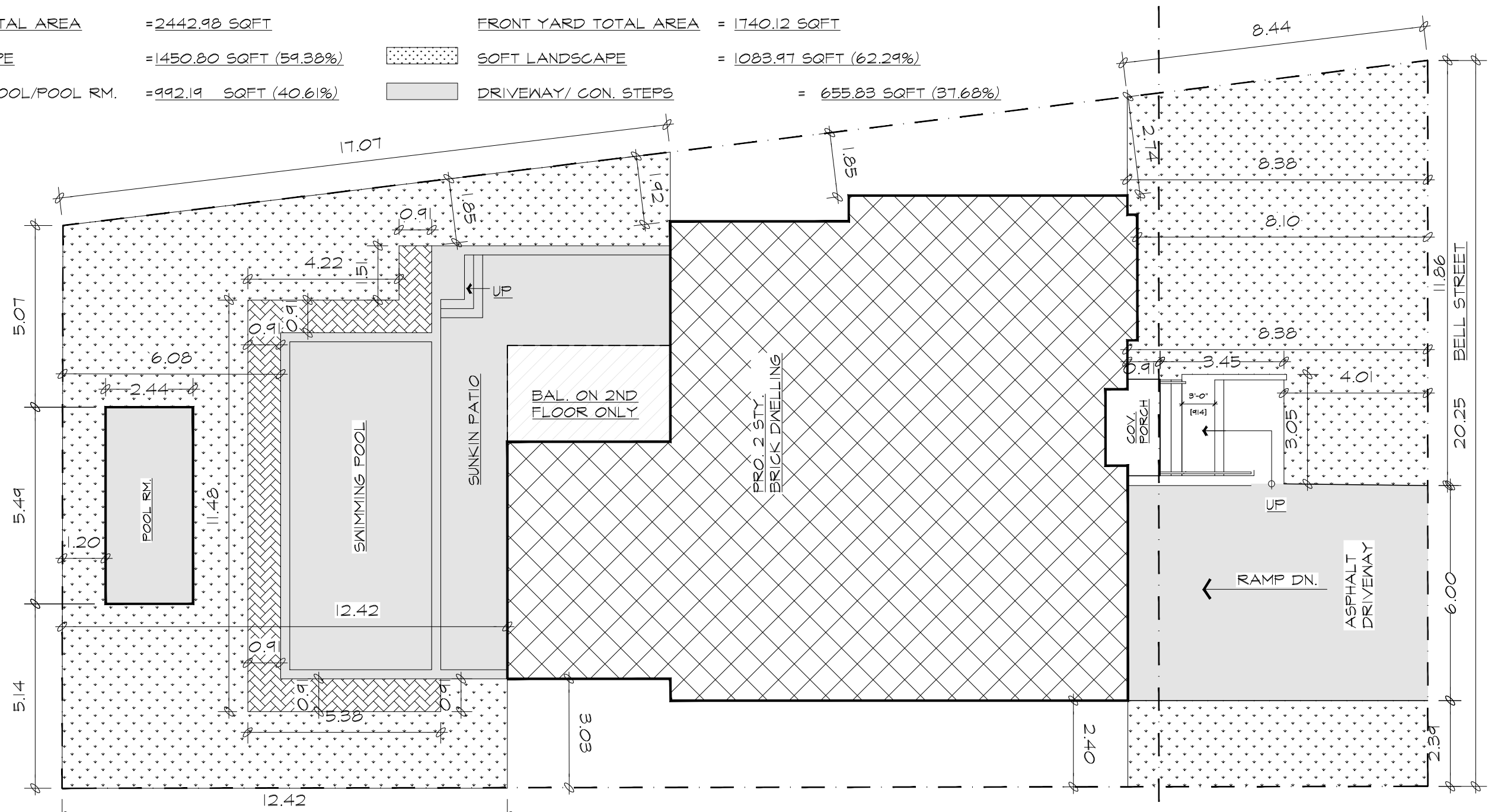
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△		REV. NO:
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LEGEND:

- BACK YARD TOTAL AREA = 2442.98 SQFT
- SOFT LANDSCAPE = 1450.80 SQFT (59.38%)
- SUNKUN PATIO/POOL/POOL RM. = 992.19 SQFT (40.61%)

LEGEND:

- FRONT YARD TOTAL AREA = 1740.12 SQFT
- SOFT LANDSCAPE = 1083.97 SQFT (62.29%)
- DRIVEWAY/ CON. STEPS = 655.83 SQFT (37.68%)



1 LANDSCAPE DATA PLAN
A1.1 SCALE= 1:125

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Project

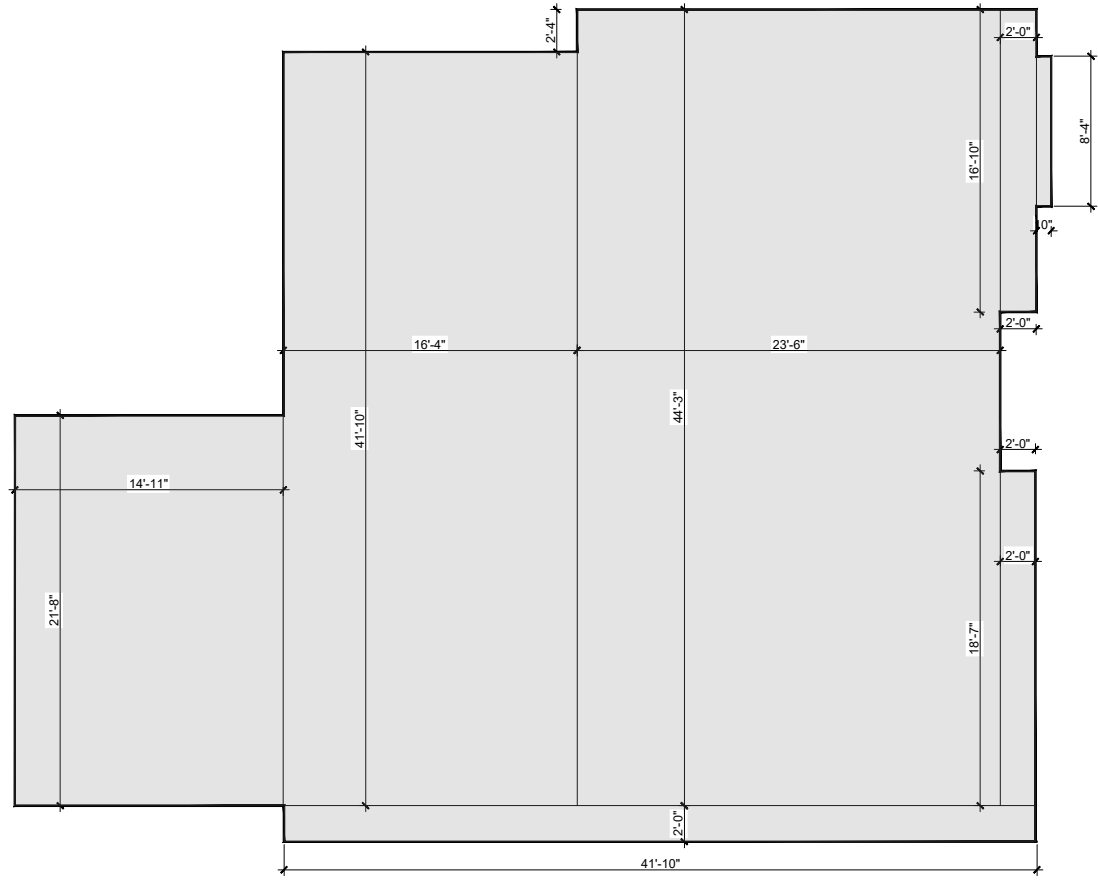
PROPOSED CUSTOM HOUSE
AT 399 BELL STREET,
MILTON, ON.

Owner:

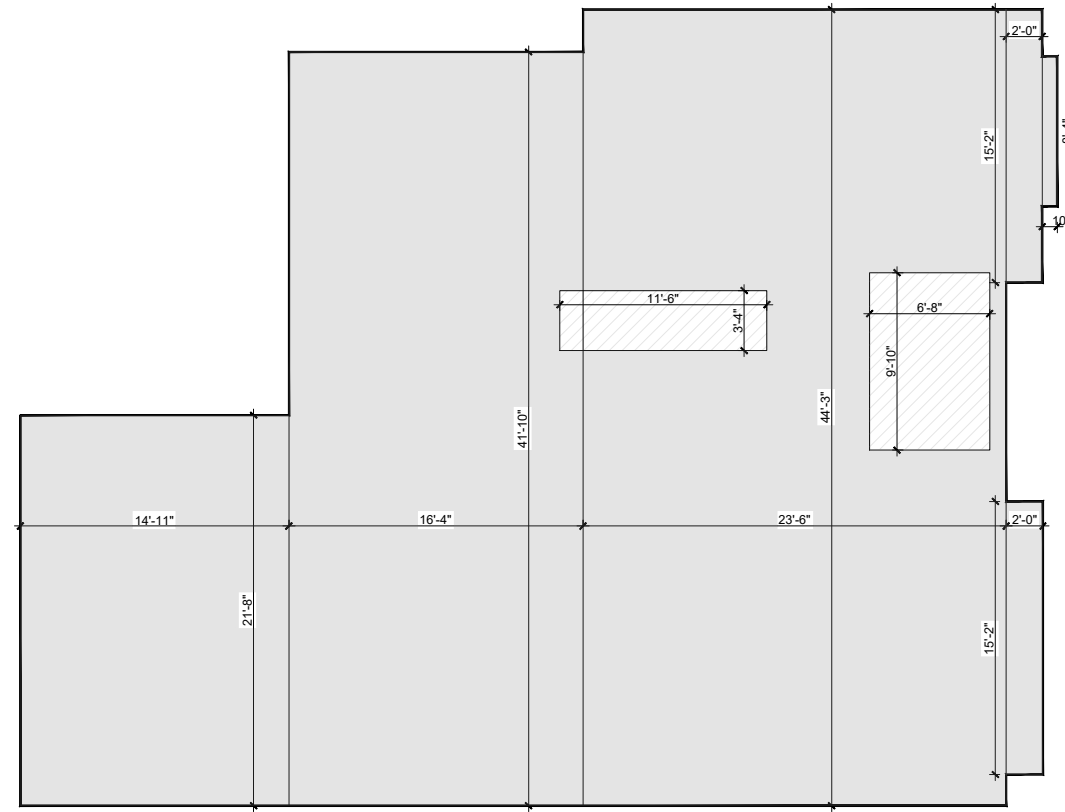
MANSOOR KHAN &
NOVAIRA KHAN

Sheet title:
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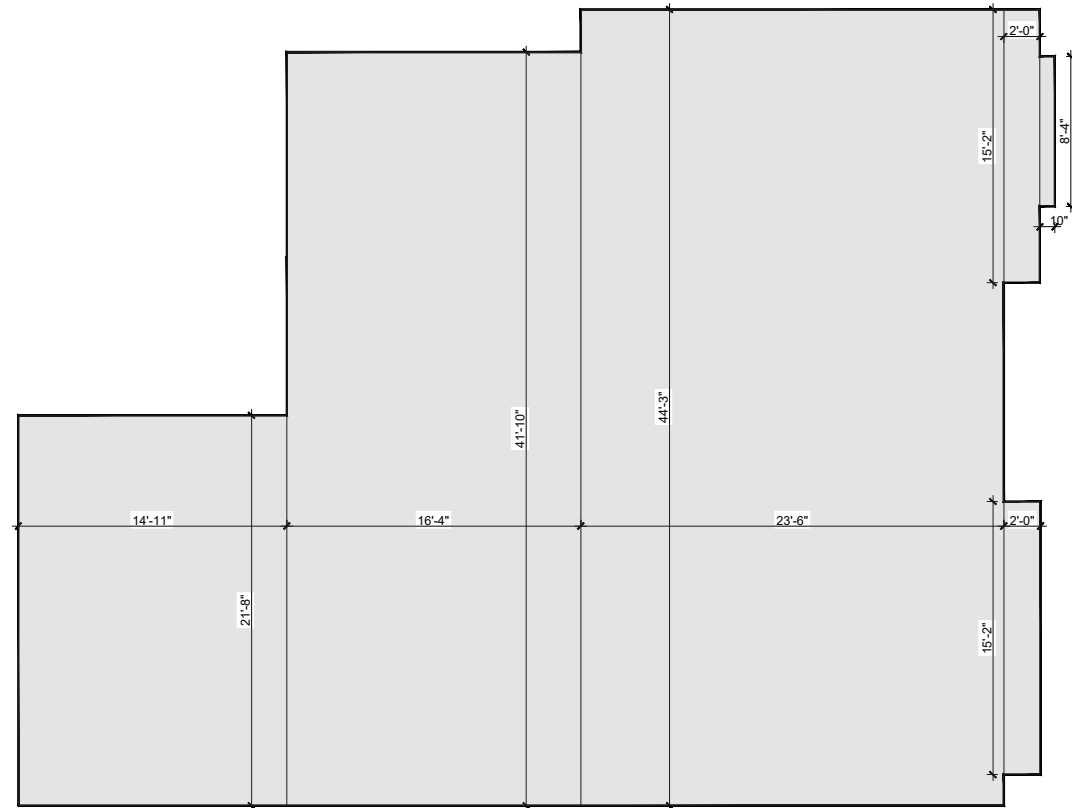
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-		REV. NO:
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1 BASEMENT BLOCK PLAN
AI.2 SCALE= 1:125



3 SECOND FLOOR BLOCK PLAN
AI.2 SCALE= 1:125



2 FIRST FLOOR BLOCK PLAN
AI.2 SCALE= 1:125

LOT COVERAGE =205.15 SQ.M [2208.29 SQ.FT.]
 LOT COVERAGE % =29.97%
 (INCLUDING GARAGE, EXCLUDING RAMP, COVERED PORCHES,
 COLD STORAGE, ACCESSORY POOL BUILDING & BALCONY)

FLOOR AREA:
 (INCLUDING EXTERIOR WALLS BUT EXCL.
 COVERED PORCHES & DOUBLE HEIGHT)

FIRST FLOOR AREA =191.53 SQ.M. [2061.62 SQ.FT.]
 SECOND FLOOR AREA =187.11 SQ.M. [2014.09 SQ.FT.]

DOUBLE HEIGHT &
 ONE SET OF STAIRS =6.10 SQ.M. [65.72 SQ.FT.]
 =3.56 SQ.M. [38.34 SQ.FT.]

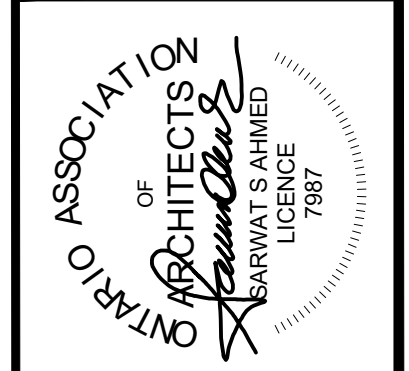
FRONT PORCH = 3.75 SQ.M. [40.41 SQFT]

Sheet title: AREA BLOCK PLANS

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△	Scale: AS NOTED	Date: 14-02-2022
△		Dwg. no. A1.2
△		REV. NO:
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Project: PROPOSED CUSTOM HOUSE
 AT 399 BELL STREET,
 MILTON, ON.

Owner: MANSOOR KHAN &
 NOVAIRA KHAN



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1 PRO. FRONT ELEVATION
 A3.0 SCALE= 3/16" = 1'-0"

KEYNOTE VALUE	KEYNOTE TEXT
01	ASPHALT SHINGLES COLOUR BLACK
02	STUCCO COLOUR WHITE
03	BRICK PAINTED COLOUR WHITE
04	BRICK COLOUR GREY
05	P.V.C WINDOWS WITH BLACK FRAME

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Sheet title:
 FRONT ELEVATION

Revisions	Drawn By: H.H	Checked By: S.A
△	Scale: AS NOTED	Date: 01-03-2022
△		D'wg. no. A3.0
△		REV. NO: -



1 PROPOSED REAR ELEVATION
A3.1 SCALE= 3/16" = 1'-0" [1:63]

KEYNOTE VALUE	KEYNOTE TEXT
01	ASPHALT SHINGLES COLOUR BLACK
02	STUCCO COLOUR WHITE
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04	BRICK COLOUR GREY
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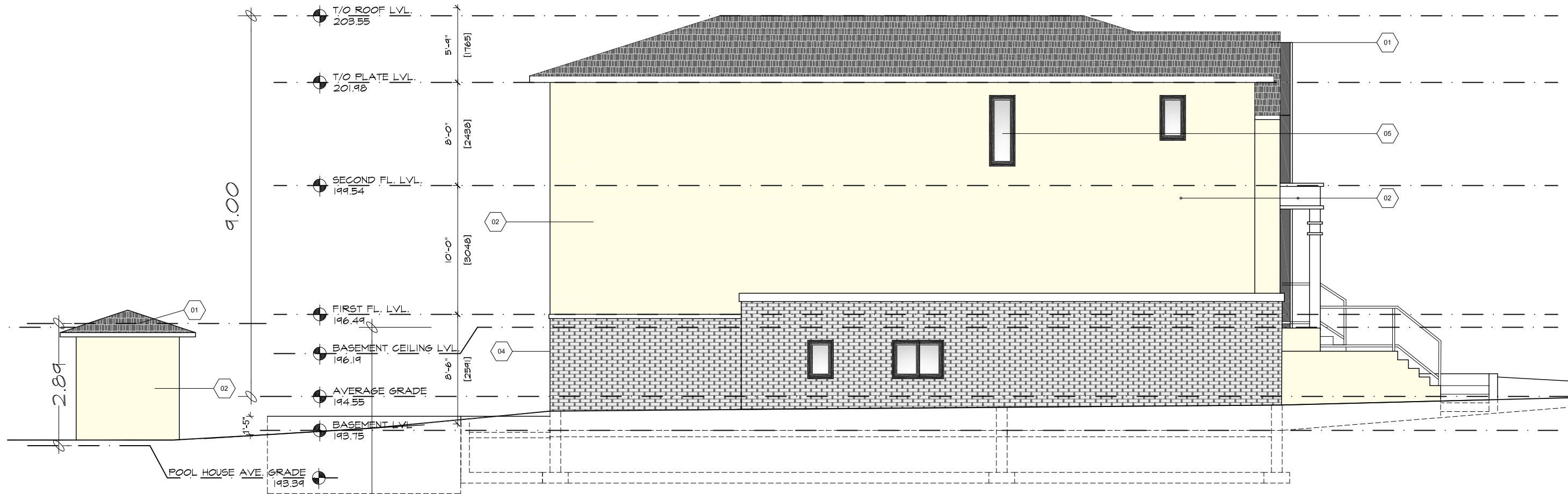
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Sheet title:
PROPOSED REAR ELEVATION

Revisions	Drawn By: H.H	Checked By: S.A
△	Scale: AS NOTED	Date: 01-03-2022
△		D'wg. no. A3.1
△		REV. NO: -
△		



1 PROPOSED LEFT ELEVATION
 A3.2 SCALE= 1/8" = 1'-0" [1:63]

KEYNOTE VALUE	KEYNOTE TEXT
01	ASPHALT SHINGLES COLOUR BLACK
02	STUCCO COLOUR WHITE
03	BRICK PAINTED COLOUR WHITE
04	BRICK COLOUR GREY
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Sheet title: PROPOSED LEFT ELEVATION		
Revisions	Drawn By: H.H	Checked By: S.A
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△		D'wg. no. A3.2
△		REV. NO: -
△		



1 PRO. RIGHT ELEVATION
 A3.3 SCALE= 1/8" = 1'-0"

KEYNOTE VALUE	KEYNOTE TEXT
01	ASPHALT SHINGLES COLOUR BLACK
02	STUCCO COLOUR WHITE
03	BRICK PAINTED COLOUR WHITE
04	BRICK COLOUR GREY
05	P.V.C WINDOWS WITH BLACK FRAME

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Sheet title:
 PROPOSED RIGHT ELEVATIONS

Revisions	Drawn By: H.H	Checked By: S.A
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△		REV. NO: -
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