



The Corporation of the Town of Milton

Report To:	Council
From:	Jill Hogan, Commissioner, Development Services
Date:	May 9, 2022
Report No:	DS-033-22
Subject:	Authorization for Submission of a Minor Variance Application on lands municipally known as 42 Victoria Street, Milton
Recommendation:	<p>THAT Report DS-033-22 entitled “Authorization for Submission of a Minor Variance Application on lands municipally known as 33 Victoria Street.”, dated May 2, 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 081-2020, 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 33 Victoria Street be permitted to apply to the Committee of Adjustment, as the proposal 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 33 Victoria Street has indicated their desire to submit a Minor Variance Application to seek relief from the required interior side yard setback of the Residential Low Density 1 (RLD1) zone (i.e. to allow an interior side yard setback of 1.28 metres, whereas the by-law allows a minimum interior yard setback of 1.8 metres) to facilitate the proposed addition and detached garage. It should be noted a minor variance is also being sought to increase the maximum height permitted for the proposed detached garage.



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 to the existing dwelling and new detached garage ensure the retention of character-defining attributes of the existing front portion of the dwelling;
- Town staff are working with the applicant to confirm siding, windows and door flashing on the rear addition will be complimentary to the color of the existing brick and door trim which will ensure compatibility with the existing built form;
- The proposed reduction of the interior side yard setback (to accommodate the proposed addition) is in keeping with the interior side yard setback of the existing dwelling.

Any Minor Variance Application submitted for the subject lands would go through 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, MPA, MCIP, RPP
Commissioner, Development Services

For questions, please contact: Taylor Wellings, MCIP, RPP Phone: Ext. 2311
Development Planner

Attachments

Figure 1 Location Map
Figure 2 Site Plan
Figure 3 Proposed Drawings & Elevations



The Corporation of the Town of Milton

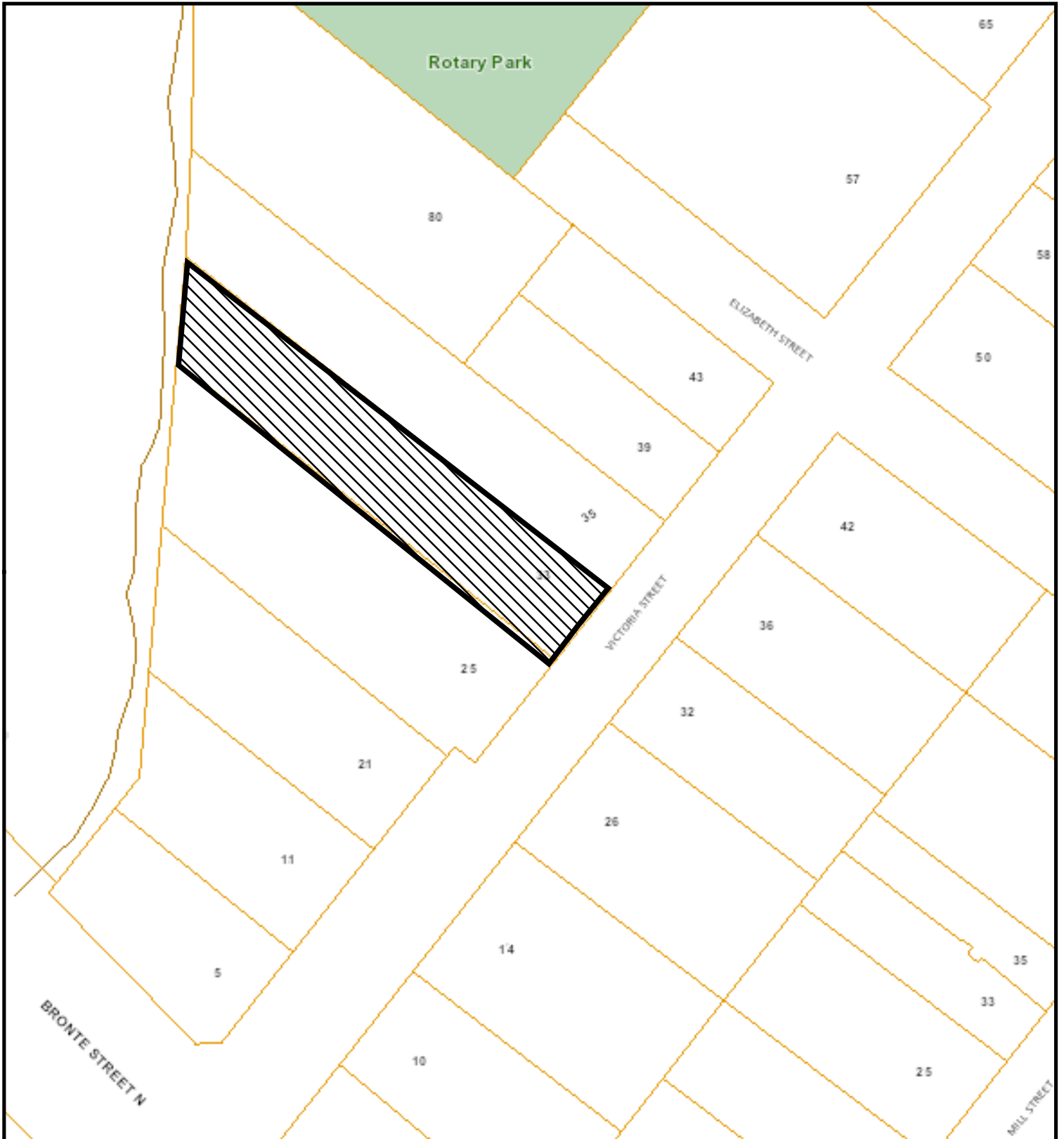
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DS-033-22
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CAO Approval
Andrew M. Siltala
Chief Administrative Officer

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:
May 30, 2022

Scale: 1:1,128.5

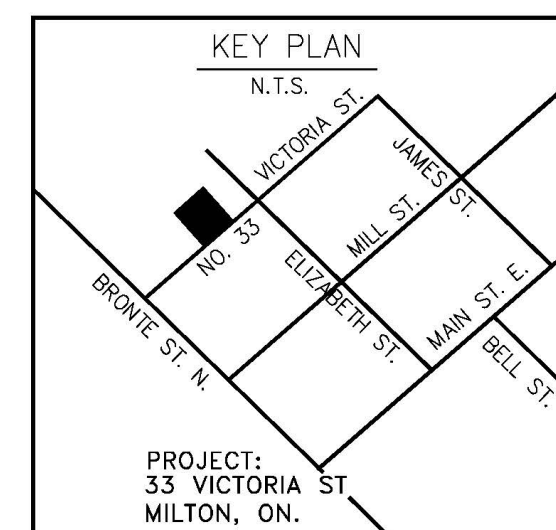
File:

Development Services



Subject Property

PART 3 & 11 - PLAN OF SURVEY OF
BLOCK B
REGISTERED PLAN No. 18
& PART OF GRAVE ST.
REGISTERED PLAN No. 17
TOWN OF MILTON

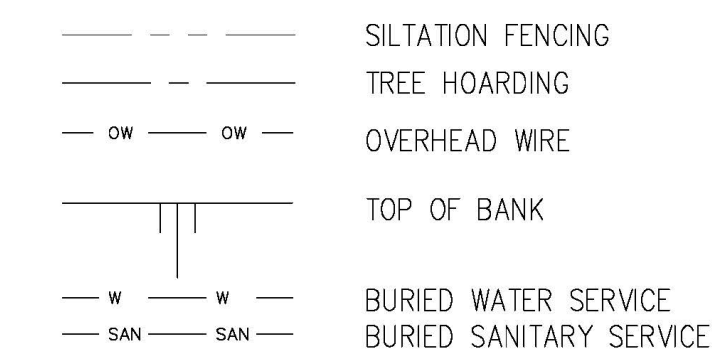


LEGEND

HT	DENOTES HYDRO TRANSFORMER	R.W.L.	DENOTES RAIN WATER LEADERS DIRECTION & SPLASH PADS
MH	DENOTES MANHOLE	▽	DENOTES ENTRY POINTS INTO BUILDING
CB	DENOTES SINGLE CATCH-BASIN	→	DIRECTION OF SURFACE FLOW
HP	DENOTES HYDRO POLE	F.F.	FINISHED MAIN FLOOR
LS	DENOTES LIGHT STANDARD	F.F.D.S.	DROPPED OR SUNKEN FLOOR
SGN	DENOTES SIGN	T.F.W.	TOP OF FOUNDATION WALL
TM	DENOTES TELEPHONE CABLE MARKER	F.B.S.	FINISHED BASEMENT SLAB
PE	DENOTES TELEPHONE PEDESTAL	U.S.F.	UNDERSIDE OF FOOTING
WV	DENOTES WATER VALVE MAN SHUT OFF	U.S.F.G	UNDERSIDE OF FOOTING GARAGE
WB	DENOTES WATER BOX / CURB STOP	U.S.F.T.	UNDERSIDE OF FTG. TRENCHED FOR WALKOUTS, LOOKOUTS
FH	FIRE HYDRANT	EF	ENGINEERED FILLED LOT
GM	GAS METER	HP	HIGH POINT OF GRADE
OH	DENOTES OVERHEAD HYDRO WIRE	R	NUMBER OF RISERS
UH	DENOTES UNDERGROUND HYDRO WIRE	WO	WALKOUT CONDITION
T	DENOTES OVERHEAD TELEPHONE WIRE	LO	LOOKOUT CONDITION
G	DENOTES UNDERGROUND GAS LINE	REV	REVERSE PLAN
CT	DENOTES OVERHEAD OR UNDERGROUND CABLE T.V.	W	WINDOWS OR DOORS ON WALL
B	DENOTES BELL UNDERGROUND OR OVERHEAD	SP	SUMP PUMP
B	BELL PEDESTAL	00.00	DENOTES NEW GRADES
TV	CABLE T.V. PEDESTAL	00.00	DENOTES EXISTING GRADES
MALBOX	MALIBOX	⊕	DENOTES BENCHMARK
SAN INV.	SANITARY CONNECTION / INVERT	⊕	DENOTES DECIDUOUS TREE DIA = DENOTES DIAMETER
SIM INV.	STORM CONNECTION / INVERT	⊕	DENOTES CONIFEROUS TREE DIA = DENOTES DIAMETER
WATER	WATER SERVICE	FY	FRONT YARD AREA
X	CHAIN LINK FENCE	LA	PROP. LANDSCAPED OPEN SPACE (MIN. 40%)
XX	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 THIS PLAN.
IT SHALL BE RESPONSIBILITY OF THE BUILDERS TO HAVE ALL GRADES VERIFIED AND CHECKED BEFORE CONSTRUCTION BY AN APPROVED SURVEYOR UNDER THE SUPERVISION OF THE PLACEMENT OF STAKES AND SANITARY SERVICES OFF THE STREET ARE TO MEET THE REQUIREMENT OF THE MUNICIPALITY HAVING JURISDICTION.
JANSEN CONSULTING IS TO BE NOTIFIED PROMPTLY (BY PHONE OR BY EMAIL) AT LEAST 7 (SEVEN) WEEKS BEFORE EXCAVATION COMMENCES IN ORDER THAT THE BUILDING CAN BE ASSISTED FAILURE TO OBSERVE THESE CONDITIONS MAY REQUIRE REMEDIAL ACTION THAT WILL NOT BE THE RESPONSIBILITY OF OR COST TO JANSEN CONSULTING FOUNDATIONS RULES SHALL BE APPLIED TO A MINIMUM OF 6" ABOVE THE APPROVED GRADES.
FINISH GRADE LINES AS INDICATED ON THE HOUSE PHOTOGRAPH.
GARAGE FOOTINGS ARE TO BE EXTENDED TO ORIGINAL GROUND OR AS APPROVED BY SOILS ENGINEER.

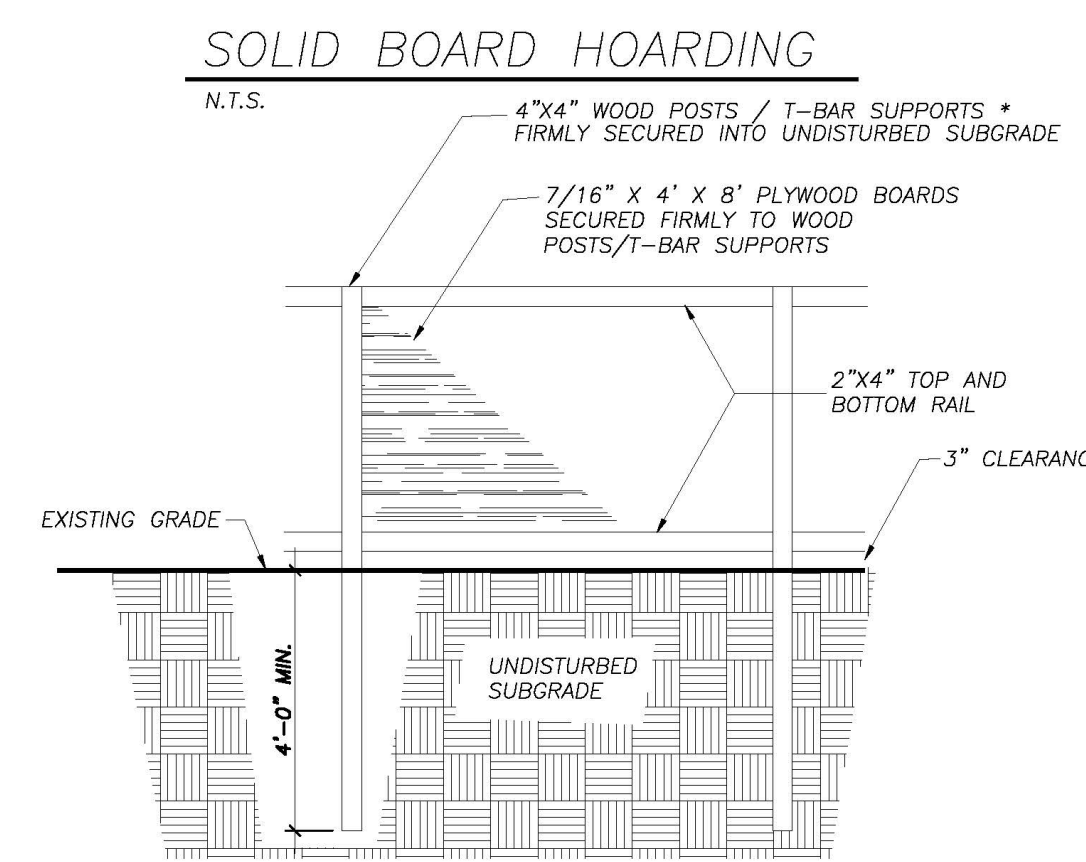
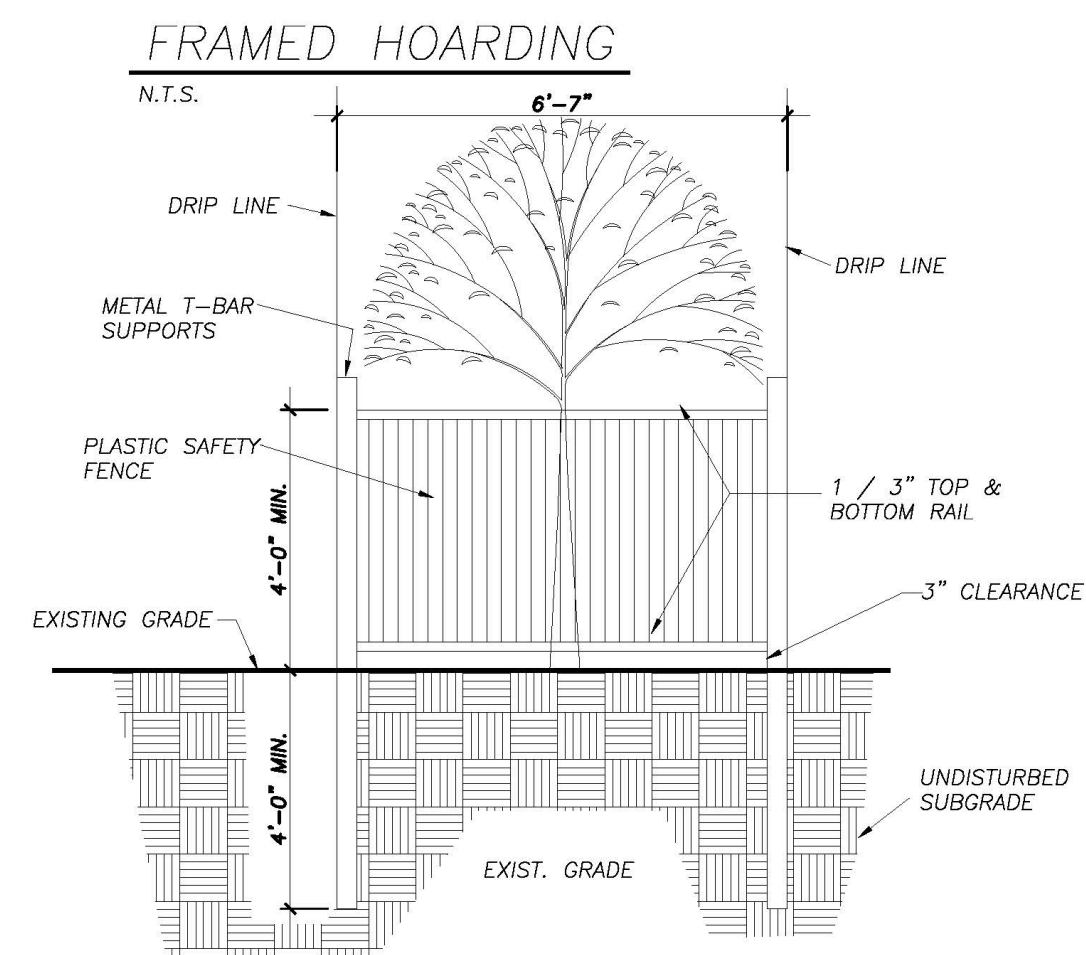
LOCATES:
PRIOR TO DIGGING LOCATES REQUIRED FOR SEWER IF APPLICABLE
PRIOR TO DIGGING LOCATES REQUIRED FOR WATER IF APPLICABLE
BEFORE DIGGING, UNDERGROUND SERVICES SHOULD BE LOCATED ON SITE BY THE RESPECTIVE AGENCIES.
CALL LOCATES FOR ALL UNDERGROUNDS PRIOR TO EXCAVATION
THE APPLICANT WILL BE REQUIRED TO CONTACT ALL UTILITY COMPANIES TO OBTAIN ALL REQUIRED LOCATES PRIOR TO INSTALLATION OF HOARDING WITH IN MUNICIPAL RIGHT OF WAY



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 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 DISTURBED AREAS WITHIN THE MUNICIPAL ROAD ALLOWANCE ARE TO BE REINSTATED TO EXISTING CONDITIONS OR BETTER.

PART - 2 EXIST. WATER TO BE VERIFIED WATER 20 MM "K" TYPE COPPER	PART - 2 EXIST. SANITARY PROPOSED 125 MM PVC SD1-28 SANI LATERAL @ 2% MIN. SLOPE	NO OPEN BURNING PERMITTED	NOTE: ANY SEPTIC SYSTEM ON SITE WILL BE DECOMMISSIONED AND REMOVED ACCORDING TO ALL APPLICABLE GUIDELINES AND REGULATIONS
APPLICANT MUST CONTACT HALTON REGION TO HAVE WATER TURNED OFF AND METER REMOVED PRIOR TO DEMOLITION. ANY NEW CONSTRUCTION REQUIRES SERVICE PERMIT FROM REGION			



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

- 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.

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.

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 - 30272 FIRM BCIN - 110042
DATE: JUNE 18, 2021 SIGNATURE: [Signature]

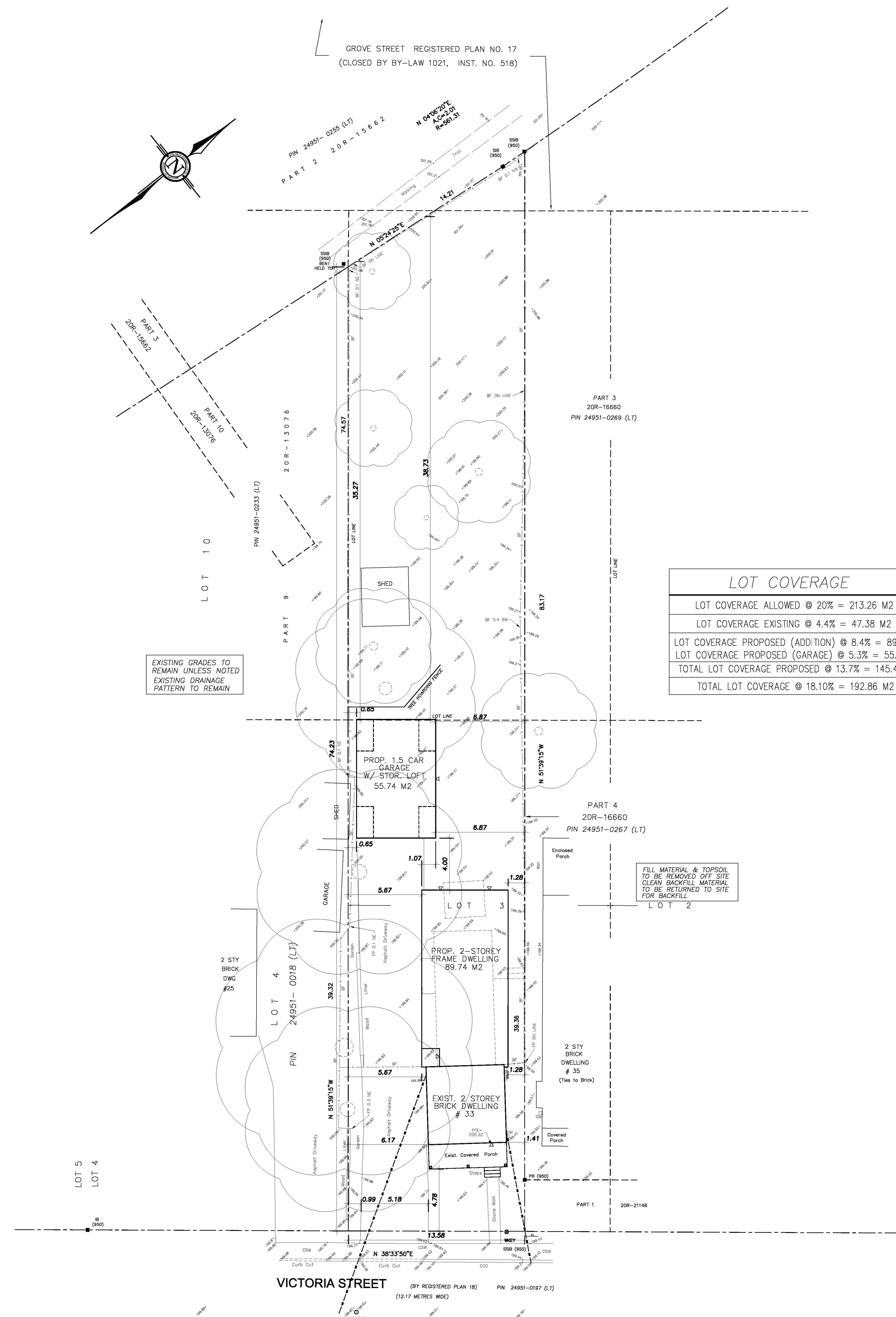
70 Main Street N., P.O. Box 38
Campbellville, ON, L0P 1B0
Ph. 905-854-9696
Fax 905-854-9559
Call 905-815-3438
EMAIL: jeffjansendesign@gmail.com

TYPE : M019
PROJECT : 2020-019
LOCATION : MILTON, ON

OWNERS INFORMATION :
KYLE & LYNNE
33 VICTORIA ST
MILTON, ON
LYNNE@K&LHOTMAIL.COM
KNEWMARCH@NEWCONLECTRIC.COM

SITE PLAN

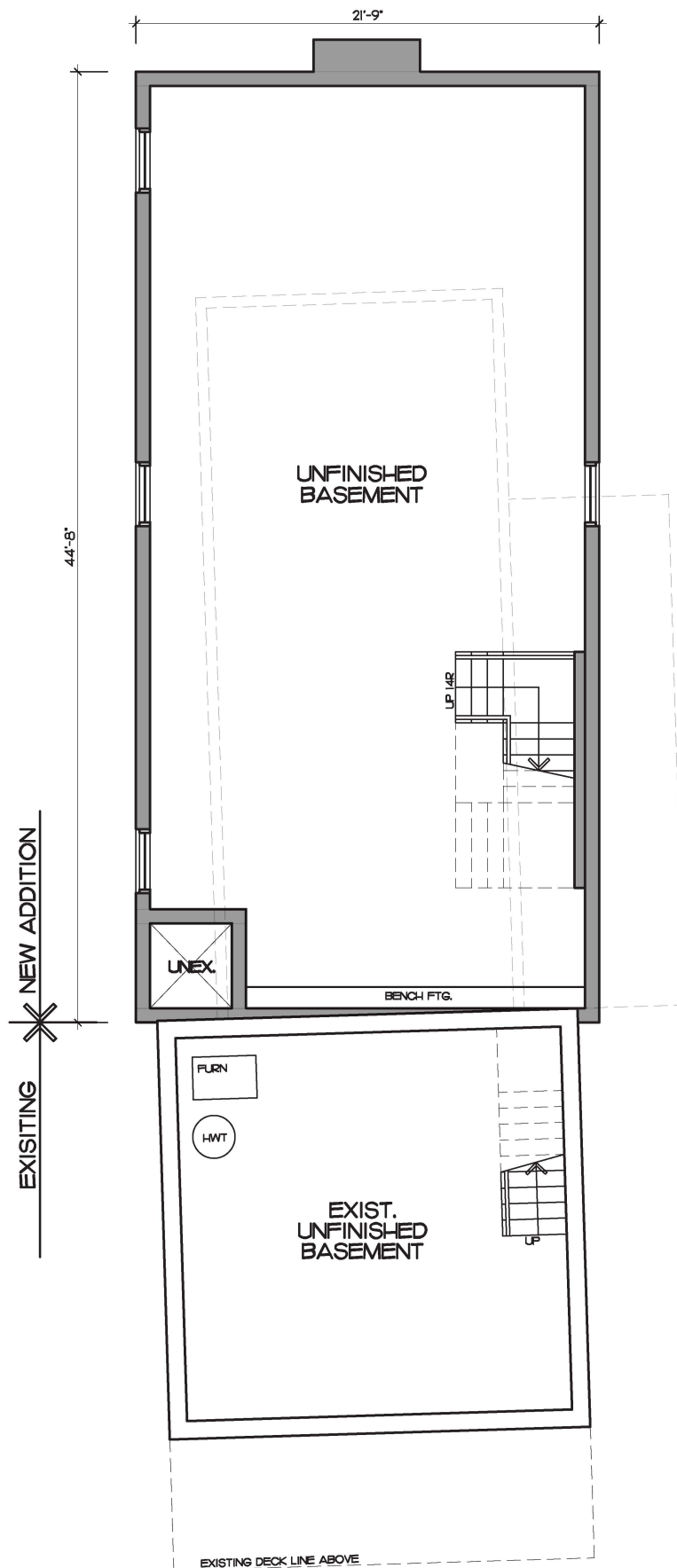
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DRAWN BY: AS	CHECKED BY: JJ	DRAWING NO.: S1
FILE NAME:		
NO. DATE DESCRIPTION		
REVISIONS		



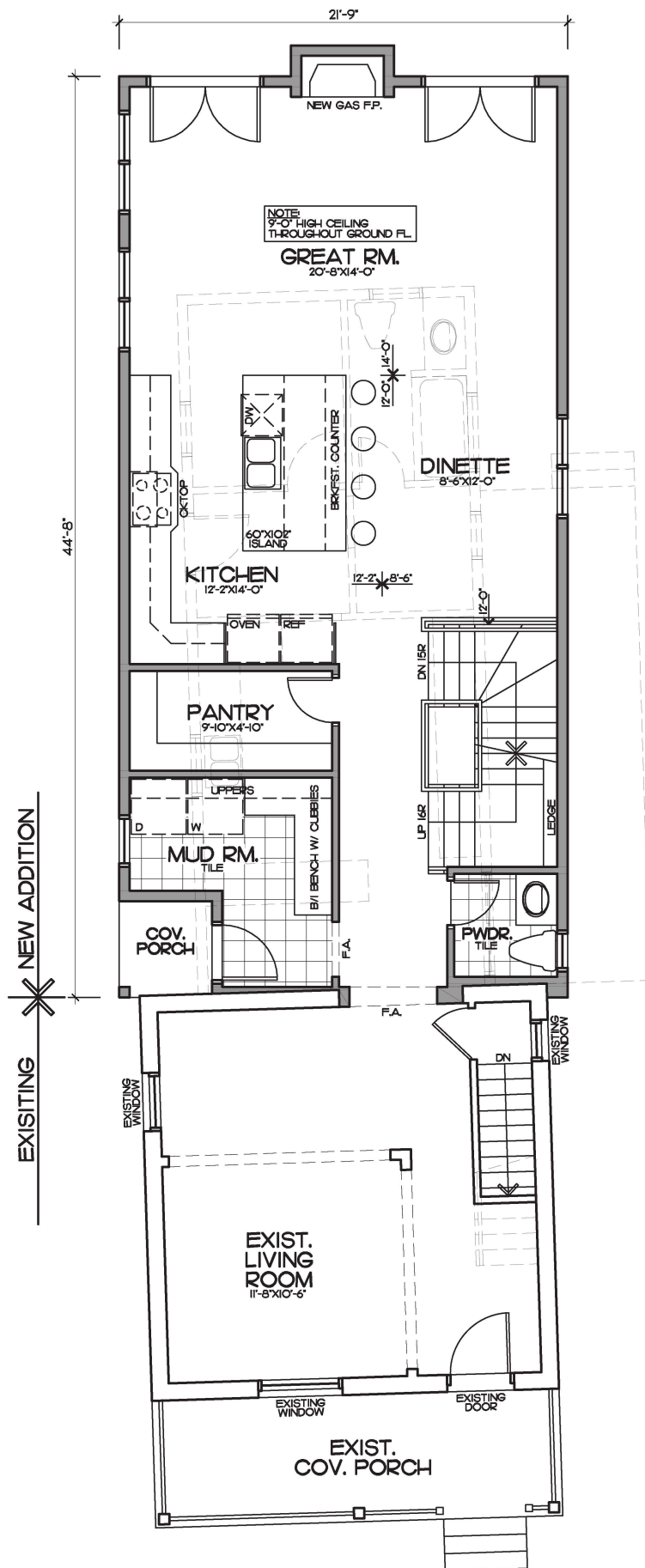
LOT COVERAGE

LOT COVERAGE ALLOWED @ 20% = 213.26 M2
LOT COVERAGE EXISTING @ 4.4% = 47.38 M2
LOT COVERAGE PROPOSED (ADDITION) @ 8.4% = 89.74 M2
LOT COVERAGE PROPOSED (GARAGE) @ 5.3% = 55.74 M2
TOTAL LOT COVERAGE PROPOSED @ 13.7% = 145.48 M2
TOTAL LOT COVERAGE @ 18.10% = 192.86 M2

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

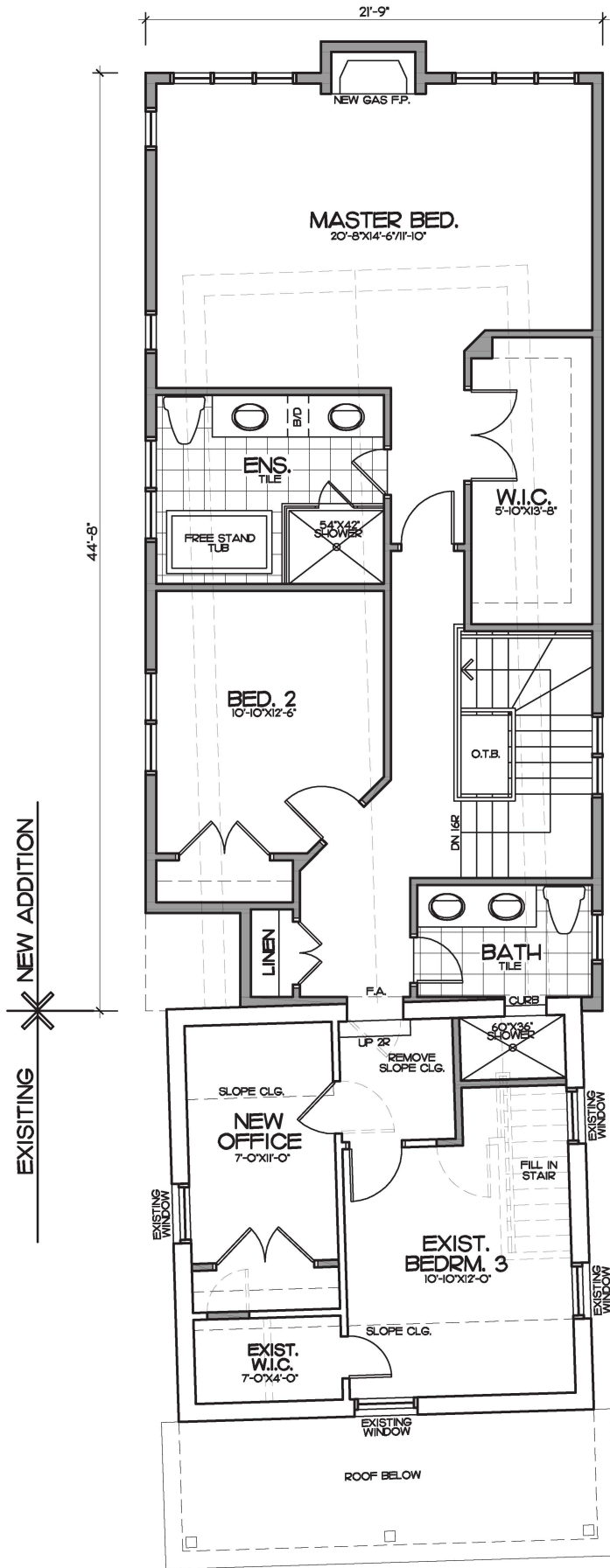


BASEMENT FLOOR PLAN
SCALE : 3/16" = 1'-0"



MAIN FLOOR PLAN

EXISTING AREAS	PROPOSED AREAS
MAIN FLOOR AREA - 877 SF.	MAIN FLOOR AREA - 952 SF.
REMOVE MAIN FLOOR AREA - -489 SF.	SECOND FLOOR AREA - 952 SF.
SECOND FLOOR AREA - 388 SF.	TOTAL AREA - 1904 SF. (176.88 M2)
TOTAL AREA - 1265 SF. (117.52 M2)	
TOTAL AREA	
TOTAL EXISTING AREA - 776 SF.	
TOTAL PROPOSED AREA - 1904 SF.	
TOTAL AREA - 2680 SF. (248.97 M2)	
LOT AREA - 1066.29 M2	
LOT COVERAGE ALLOWED • 20% - 213.26 M2	
EXISTING LOT COVERAGE • 4.4% - 47.38 M2 (510 SF.)	
PROPOSED LOT COVERAGE ADDITION • 8.4% - 89.74 M2 (966 SF.)	
PROPOSED LOT COVERAGE GARAGE • 5.3% - 55.74 M2 (600 SF.)	
TOTAL LOT COVERAGE • 18.10% - 192.86 M2 (2076 SF.)	



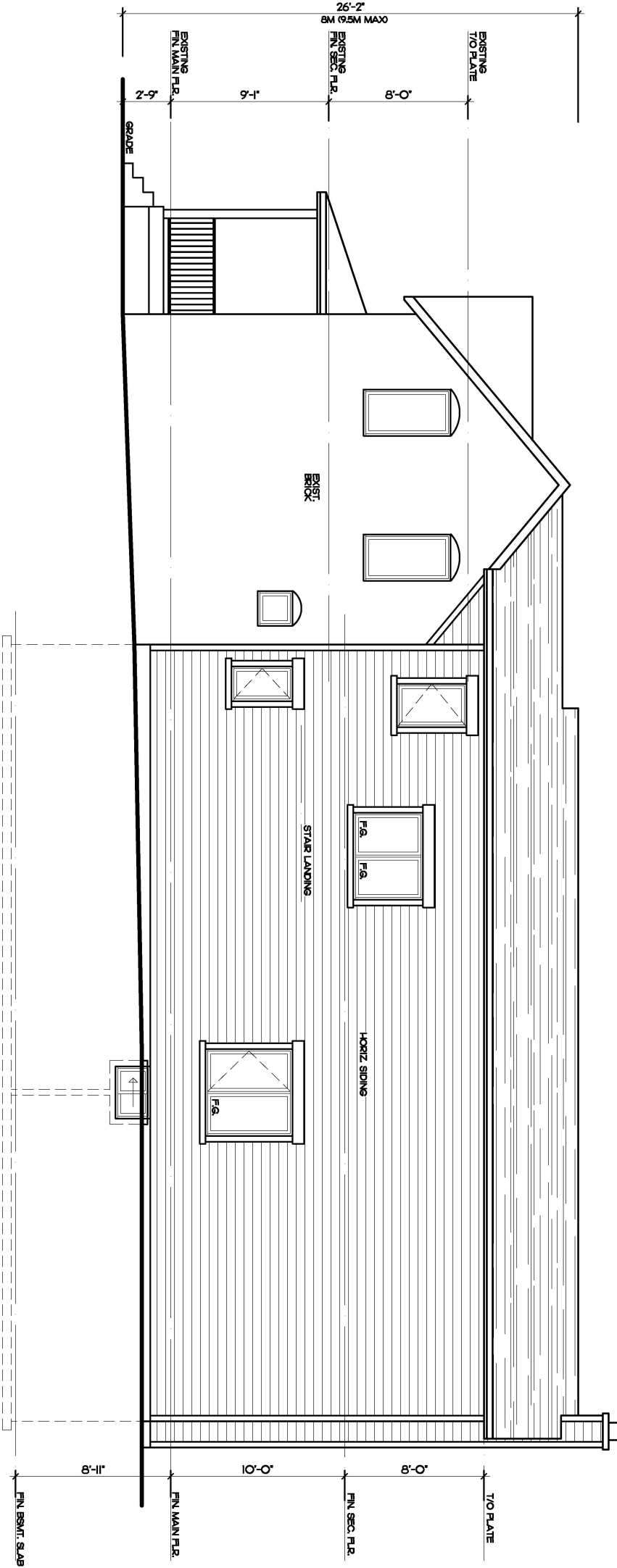
SECOND FLOOR PLAN



FRONT ELEVATION

RIGHT ELEVATION

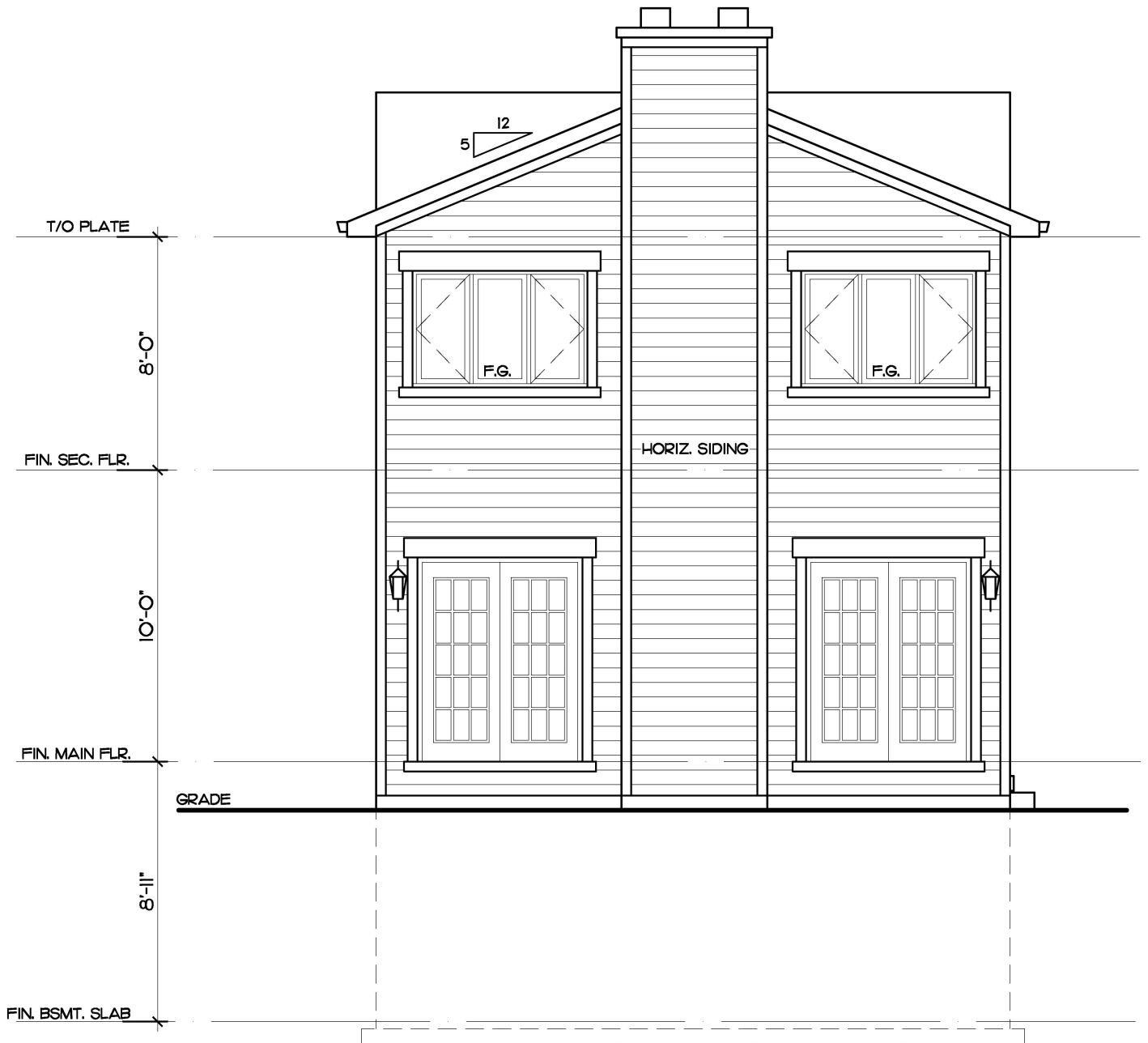
EXISTING RENOV. * NEW ADDITION



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 Fax 905-854-9559
 Cell 905-815-3438
 EMAIL : jeffjansendesign@gmail.com

OWNERS INFORMATION :
 KYLE & LYNNE
 33 VICTORIA ST
 MILTON, ON

D05



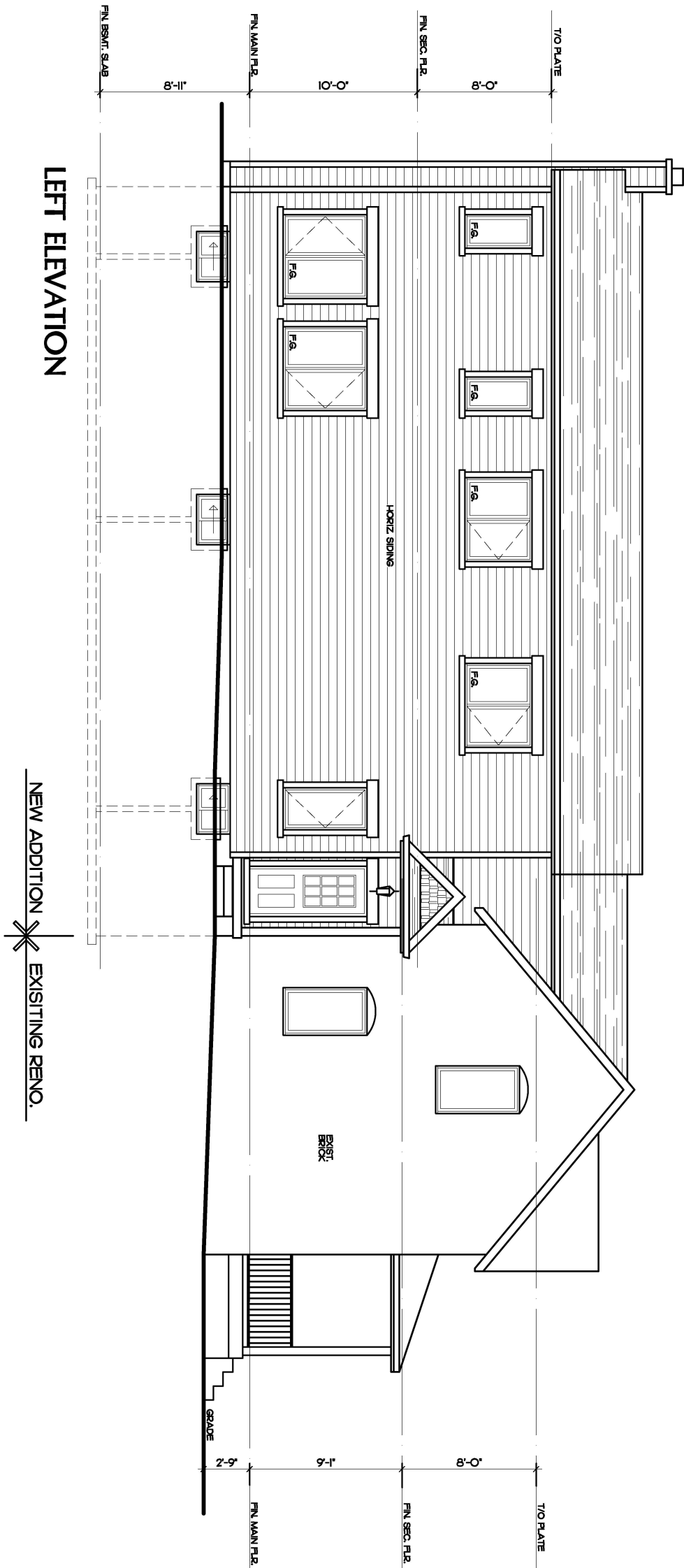
REAR ELEVATION



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OWNERS INFORMATION :
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OWNERS INFORMATION :
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D07