



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: June 20, 2022

Report No: DS-051-22

Subject: Authorization for Submission of a Minor Variance Application on lands municipally known as 73 King Street, Milton

Recommendation: **THAT** Report DS-051-22 entitled “Authorization for Submission of a Minor Variance Application on lands municipally known as 73 King Street.”, dated June 20, 2022, 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 73 King 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 73 King Street has indicated their desire to submit a Minor Variance Application to see relief from the maximum lot coverage provisions of the Residential Low Density (RLD) Zone (to allow a lot coverage of 32.1%, where as 25% is permitted) to facilitate the construction of a new 1-storey dwelling on the property.



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 081-2020 for the following reasons:

1. The 1-storey dwelling contributes to the diversity of built form in the neighborhood and proposes height and roof configurations that provides appropriate transitions to adjacent 1 and 2 storey dwellings.
2. The proposal introduces greater setbacks on the right side which minimizes the impact of the proposed massing on the adjacent bungalow.
3. The proposed dwelling uses appropriate materials and colours that contribute to retaining neighborhood character.

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
Commissioner, Development Services

For questions, please contact: Rachel Suffern, MPA, M.Sc. Phone: Ext. 2263
Planner

Attachments

- Figure 1 Location Map
- Figure 2 Proposed Site Plan



The Corporation of the Town of Milton

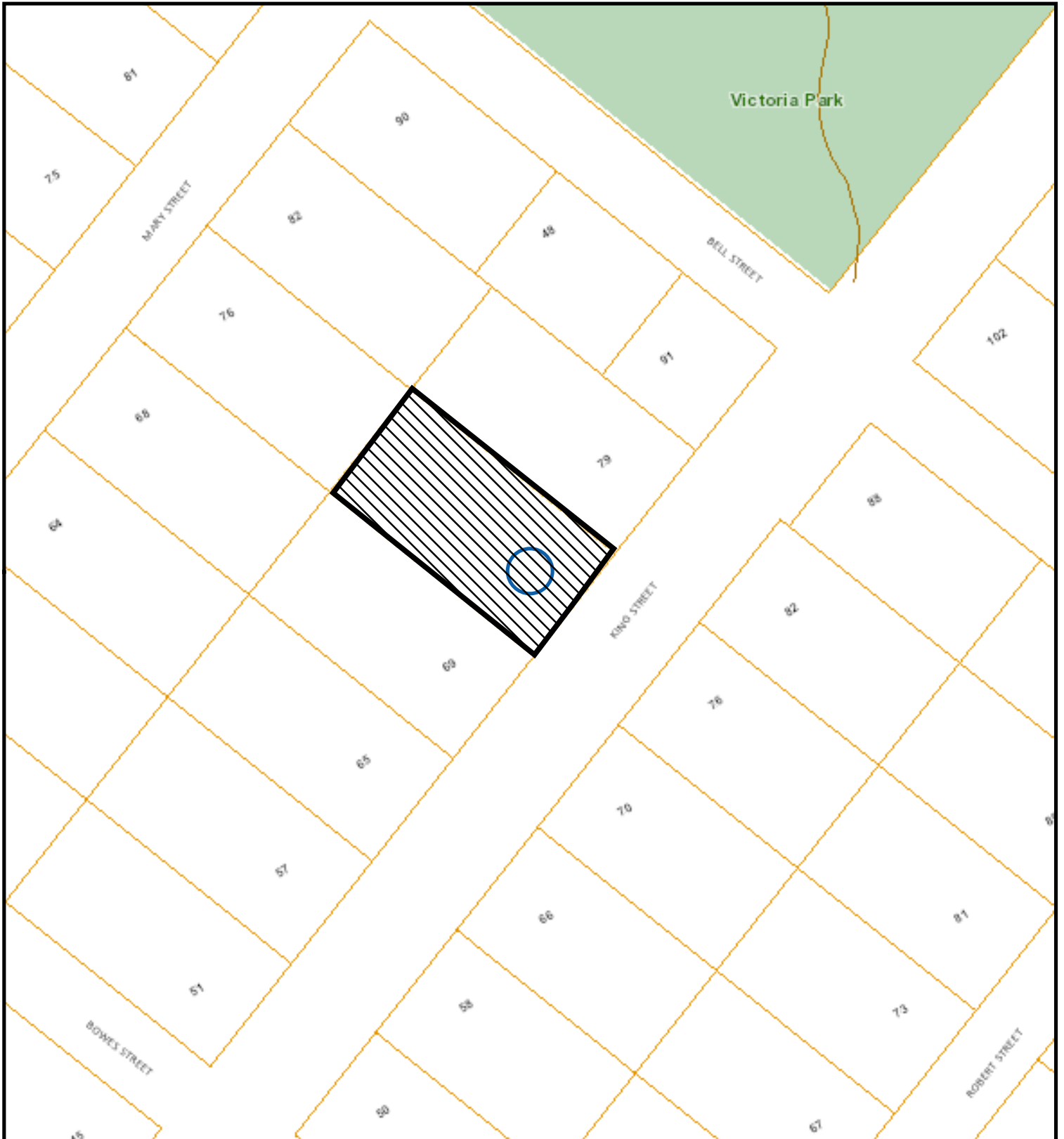
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MV Authorization
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Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

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:
June 20, 2022

Scale: 1:1,128.5

File DS-XXX-22

Development Services



Subject Property
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SITE PLAN GENERAL NOTES:

- ALL GRADES TO BE WITHIN 33% MAX. SLOPE AT PROPERTY LINE AND WITHIN THE SITE.
- THE CONTRACTOR (BUILDER) TO CHECK AND VERIFY LOCATION AND ELEVATION OF EXISTING UTILITIES (CONNECTIONS) PRIOR TO CONSTRUCTION.
- ALL DISTURBED AREAS WITHIN EXISTING ROADS AND BOULEVARDS TO BE RECONSTRUCTED TO THE SATISFACTION OF THE CITY OF TORONTO WORKS DEPARTMENT.
- ROOF DOWN SPOUTS TO SPILL ONTO GROUND VIA SPLASH PADS.
- I HEREBY CERTIFY THAT THIS DRAWING CONFORMS IN ALL RESPECTS TO THE SITE DEVELOPMENT PLANS AS APPROVED BY THE CITY OF TORONTO

SIGNATURE & SEAL OF ARCHITECT:

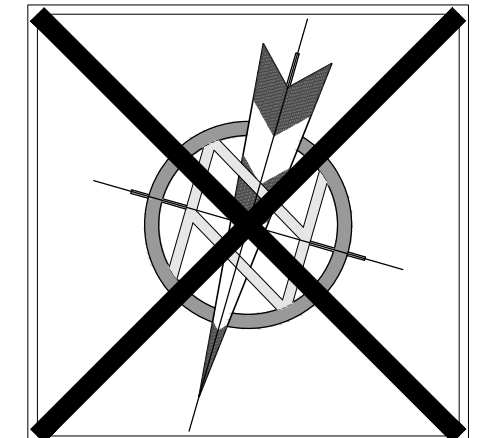
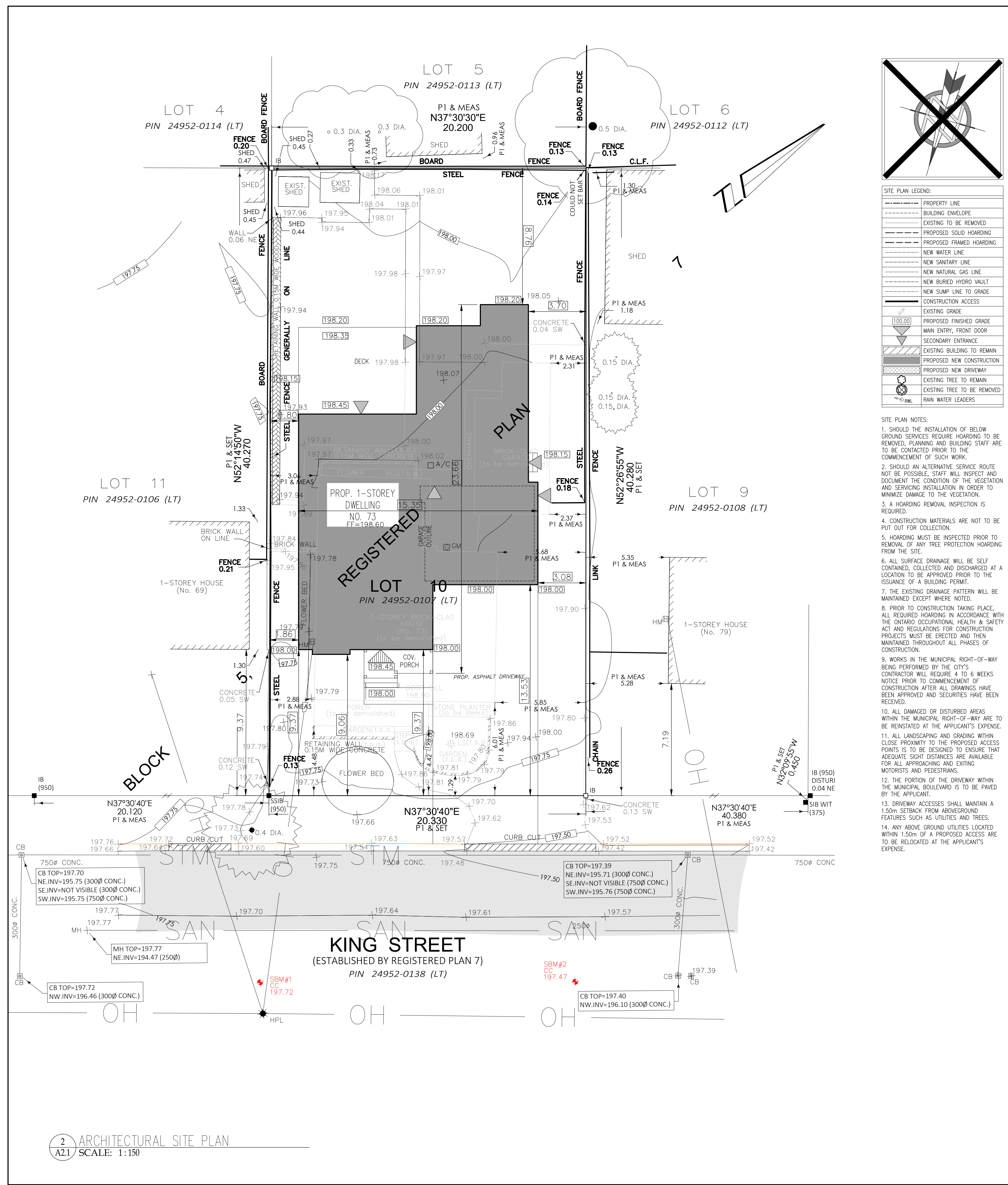
- THE CITY OF TORONTO REQUIRES THAT ALL WORKING DRAWINGS SUBMITTED TO THE BUILDING DIVISION PLANNING AND BUILDING DEPT. AS PART OF AN APPLICATION FOR THE ISSUANCE OF A BUILDING PERMIT SHALL BE CERTIFIED BY THE ARCHITECT OR ENGINEER AS BEING IN CONFORMITY WITH THE SITE DEVELOPMENT PLANS AS APPROVED BY THE CITY OF TORONTO.
- THE STRUCTURAL DESIGN OF ANY RETAINING WALL OVER 600 mm. IN HEIGHT OR ANY RETAINING WALL LOCATED ON A PROPERTY LINE IS TO BE SHOWN ON THE SITE GRADING PLAN FOR THIS PROJECT AND IS TO BE APPROVED BY THE CONSULTING ENGINEER FOR THE PROJECT.
- THE OWNER IS RESPONSIBLE FOR ENSURING THAT THE TREE PROTECTION HOARDING IS MAINTAINED THROUGHOUT ALL PHASES OF DEMOLITION AND CONSTRUCTION IN THE LOCATION AND CONDITION AS APPROVED BY THE PLANNING AND BUILDING DEPARTMENT. NO MATERIALS (BUILDING MATERIALS, SOIL, ETC.) MAY BE STOCKPILED WITHIN THE AREA OF HOARDING. FAILURE TO MAINTAIN THE HOARDING AS ORIGINALLY APPROVED, OR THE STORAGE OF MATERIALS WITHIN THE HOARDING WILL BE CAUSE FOR THE TREE PRESERVATION LETTER OF CREDIT TO BE HELD FOR 2 (TWO) YEARS FOLLOWING COMPLETION OF SITE WORKS.

SIGNATURE OF HOMEOWNER:

- SEDIMENT CONTROLS AS PER CITY STANDARD ARE TO BE IMPLEMENTED DURING CONSTRUCTION.
- ALL DAMAGED LANDSCAPE AREAS ARE TO BE REINSTATED WITH TOPSOIL AND SOD PRIOR TO THE RELEASE OF SECURITIES.
- ANY EXCESS EXCAVATED MATERIAL IS TO BE REMOVED FROM THE SITE.
- EXISTING DRAINAGE PATTERN IS TO BE MAINTAINED.
- ALL PROPOSED CURBING WITHIN THE MUNICIPAL BOULEVARD AREA FOR THE SITE IS TO SUIT AS FOLLOWS:
 - FOR ALL SINGLE FAMILY RESIDENTIAL PROPERTIES INCLUDING ON STREET TOWNHOUSES, ALL CURBING IS TO STOP AT THE PROPERTY LIMIT OR THE BACK OF THE MUNICIPAL SIDEWALK, WHICHEVER IS APPLICABLE.
- THE APPLICANT WILL BE REQUIRED TO CONTACT ALL UTILITY COMPANIES TO OBTAIN ALL REQUIRED LOCATES PRIOR TO THE INSTALLATION OF HOARDING WITHIN THE MUNICIPAL RIGHT OF WAY.
- THE APPLICANT WILL BE RESPONSIBLE FOR THE COST OF ANY UTILITY RELOCATIONS NECESSITATED BY THE SITE PLAN.
- THE PORTIONS OF THE DRIVEWAY WITHIN THE MUNICIPAL BOULEVARD WILL BE PAVED BY THE APPLICANT.
- AT THE ENTRANCES TO THE SITE, THE MUNICIPAL CURB WILL BE CONTINUOUS THROUGH THE DRIVEWAY AND A CURB DEPRESSION WILL BE PROVIDED FOR EACH ENTRANCE.
- RESERVED
- NO CONSTRUCTION ACCESS WILL BE PERMITTED FROM THE ADJOINING PARK/GREENBELT IF APPLICABLE.
- ALL EXTERIOR LIGHTING WILL BE DIRECTED ONTO THE SITE AND WILL NOT INFRINGE UPON THE ADJACENT PROPERTIES.
- IF A WELL IS DISCOVERED, IT WILL BE DECOMMISSIONED IN ACCORDANCE WITH THE ONTARIO WATER RESOURCES ACT REGULATION 903 (formerly 612/84) AND ANY OTHER APPLICABLE REGULATIONS AND GUIDELINES.

1 GENERAL NOTES

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SITE PLAN LEGEND:

---	PROPERTY LINE
---	BUILDING ENVELOPE
---	EXISTING TO BE REMOVED
---	PROPOSED SOLID HOARDING
---	PROPOSED FRAMED HOARDING
---	NEW WATER LINE
---	NEW SANITARY LINE
---	NEW NATURAL GAS LINE
---	NEW BURIED HYDRO VAULT
---	NEW SUMP LINE TO GRADE
---	CONSTRUCTION ACCESS
---	EXISTING GRADE
---	PROPOSED FINISHED GRADE
---	MAIN ENTRY, FRONT DOOR
---	SECONDARY ENTRANCE
---	EXISTING BUILDING TO REMAIN
---	PROPOSED NEW CONSTRUCTION
---	PROPOSED NEW DRIVEWAY
---	EXISTING TREE TO REMAIN
---	EXISTING TREE TO BE REMOVED
---	RAIN WATER LEADERS

- SITE PLAN NOTES:**
- SHOULD THE INSTALLATION OF BELOW GROUND SERVICES REQUIRE HOARDING TO BE REMOVED, PLANNING AND BUILDING STAFF ARE TO BE CONTACTED PRIOR TO THE COMMENCEMENT OF SUCH WORK.
 - SHOULD AN ALTERNATIVE SERVICE ROUTE NOT BE POSSIBLE, STAFF WILL INSPECT AND DOCUMENT THE CONDITION OF THE VEGETATION AND SERVICING INSTALLATION IN ORDER TO MINIMIZE DAMAGE TO THE VEGETATION.
 - A HOARDING REMOVAL INSPECTION IS REQUIRED.
 - CONSTRUCTION MATERIALS ARE NOT TO BE PUT OUT FOR COLLECTION.
 - HOARDING MUST BE INSPECTED PRIOR TO REMOVAL OF ANY TREE PROTECTION HOARDING FROM THE SITE.
 - ALL SURFACE DRAINAGE WILL BE SELF CONTAINED, COLLECTED AND DISCHARGED AT A LOCATION TO BE APPROVED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 - THE EXISTING DRAINAGE PATTERN WILL BE MAINTAINED EXCEPT WHERE NOTED.
 - PRIOR TO CONSTRUCTION TAKING PLACE, ALL REQUIRED HOARDING IN ACCORDANCE WITH THE ONTARIO OCCUPATIONAL HEALTH & SAFETY ACT AND REGULATIONS FOR CONSTRUCTION PROJECTS MUST BE ERECTED AND THEN MAINTAINED THROUGHOUT ALL PHASES OF CONSTRUCTION.
 - WORKS IN THE MUNICIPAL RIGHT-OF-WAY BEING PERFORMED BY THE CITY'S CONTRACTOR WILL REQUIRE 4 TO 6 WEEKS NOTICE PRIOR TO COMMENCEMENT OF CONSTRUCTION AFTER ALL DRAWINGS HAVE BEEN APPROVED AND SECURITIES HAVE BEEN RECEIVED.
 - ALL DAMAGED OR DISTURBED AREAS WITHIN THE MUNICIPAL RIGHT-OF-WAY ARE TO BE REINSTATED AT THE APPLICANT'S EXPENSE.
 - ALL LANDSCAPING AND GRADING WITHIN CLOSE PROXIMITY TO THE PROPOSED ACCESS POINTS IS TO BE DESIGNED TO ENSURE THAT ADEQUATE SIGHT DISTANCES ARE AVAILABLE FOR ALL APPROACHING AND EXITING MOTORISTS AND PEDESTRIANS.
 - THE PORTION OF THE DRIVEWAY WITHIN THE MUNICIPAL BOULEVARD IS TO BE PAVED BY THE APPLICANT.
 - DRIVEWAY ACCESSES SHALL MAINTAIN A 1.50m SETBACK FROM ABOVEGROUND FEATURES SUCH AS UTILITIES AND TREES.
 - ANY ABOVE GROUND UTILITIES LOCATED WITHIN 1.50m OF A PROPOSED ACCESS ARE TO BE RELOCATED AT THE APPLICANT'S EXPENSE.



3 KEY PLAN
A21 N.T.S.

PROPERTY OWNER: Babcock Residence 73 King Street Milton, Ontario, L9T 1J8	ARCHITECT: MICHAEL PETTES ARCHITECT INC. 2052 Highpoint Sideroad Caledon, Ontario, L7K 0H9 Attention: Michael Pettes PH: (905)901-1183
SITE STATISTICS:	
ZONING:	RLD1
LOT INFORMATION:	
MIN. LOT AREA AS PER DEFINITION:	N/A
EXIST. LOT AREA:	809.43
MIN. LOT FRONTAGE AS PER DEFINITION:	15.00
ACTUAL LOT FRONTAGE:	20.12
MIN. LOT DEPTH AS PER DEFINITION:	30.00
ACTUAL LOT DEPTH:	40.23
SETBACK INFORMATION:	
MINIMUM FRONT YARD SETBACK:	4.00
PROPOSED:	13.12
MINIMUM REAR YARD SETBACK:	7.50
PROPOSED:	24.61
MIN. L. SIDEYARD SETBACK:	1.80
PROPOSED:	5.91
MIN. R SIDEYARD SETBACK:	1.80
PROPOSED:	5.91
PROPOSED:	2.97
PROPOSED:	9.74
GROSS FLOOR AREA:	
GROUND FLOOR AREA:	200.63
TOTAL GROSS FLOOR AREA:	200.63
COVERAGE CALCULATIONS:	
GROUND FLOOR AREA:	200.63
GARAGE AREA:	46.30
COVERED PORCHES:	7.38
MAX. ALLOWABLE COVERAGE:	25.00%
PROPOSED COVERAGE:	31.42%
HEIGHT CALCULATIONS	
MAX. ALLOWABLE HEIGHT:	9.50
PROPOSED HEIGHT:	8.33
LANDSCAPE CALCULATIONS:	
DWELLING AREA:	254.31
DRIVEWAY & WALKWAY AREA:	72.76
DECK AREA:	42.03
MIN. REQ'D LANDSCAPING:	30.00%
PROPOSED LANDSCAPING:	45.60%

4 SITE STATISTICS

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Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the architect prior to proceeding with any of the work.

1	04.07.22	ISSUED FOR REVIEW
REF.	DATE:	DESCRIPTION:



CLIENT:
BABCOCK RESIDENCE

ADDRESS: 73 KING STREET
CITY: MILTON, ONTARIO, L9T 1J8
DRAWING TITLE:
SITE PLAN & SITE STATS

DRAWN: CB	SCALE:
DATE: May. 30, 22	AS NOTED
JOB NO:	SHEET:
20-	A2.1