



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: June 20, 2022

Report No: DS-050-22

Subject: Authorization for Submission of a Minor Variance Application on lands municipally known as 66 Mill Street, Milton

Recommendation: **THAT** Report DS-050-22 entitled “Authorization for Submission of a Minor Variance Application on lands municipally known as 66 Mill 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 66 Mill 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 66 Mill 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 I (RLD1) Zone (to allow a lot coverage of 30%, where as 25% is permitted) to facilitate construction of a proposed addition to the rear of the existing dwelling and a 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 a variance from the provisions of Zoning By-law 081-2020 for the following reasons:

1. The proposed 1 storey rear addition creates no negative impacts on the perception of the heritage dwelling from the public right-of-way and proposes façade material and overall massing that is respectful of the existing dwelling.
2. The proposed detached garage will remain at the rear of the subject property which retains a significant character defining feature of the neighbourhood.
3. The proposal maintains front yard and side yard patterns and the height does not exceed that of the existing dwelling.

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

Attachments

- Figure 1 Location Map
- Figure 2 Proposed Site Plan

Approved by CAO
Andrew M. Siltala



The Corporation of the Town of Milton

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Authorization
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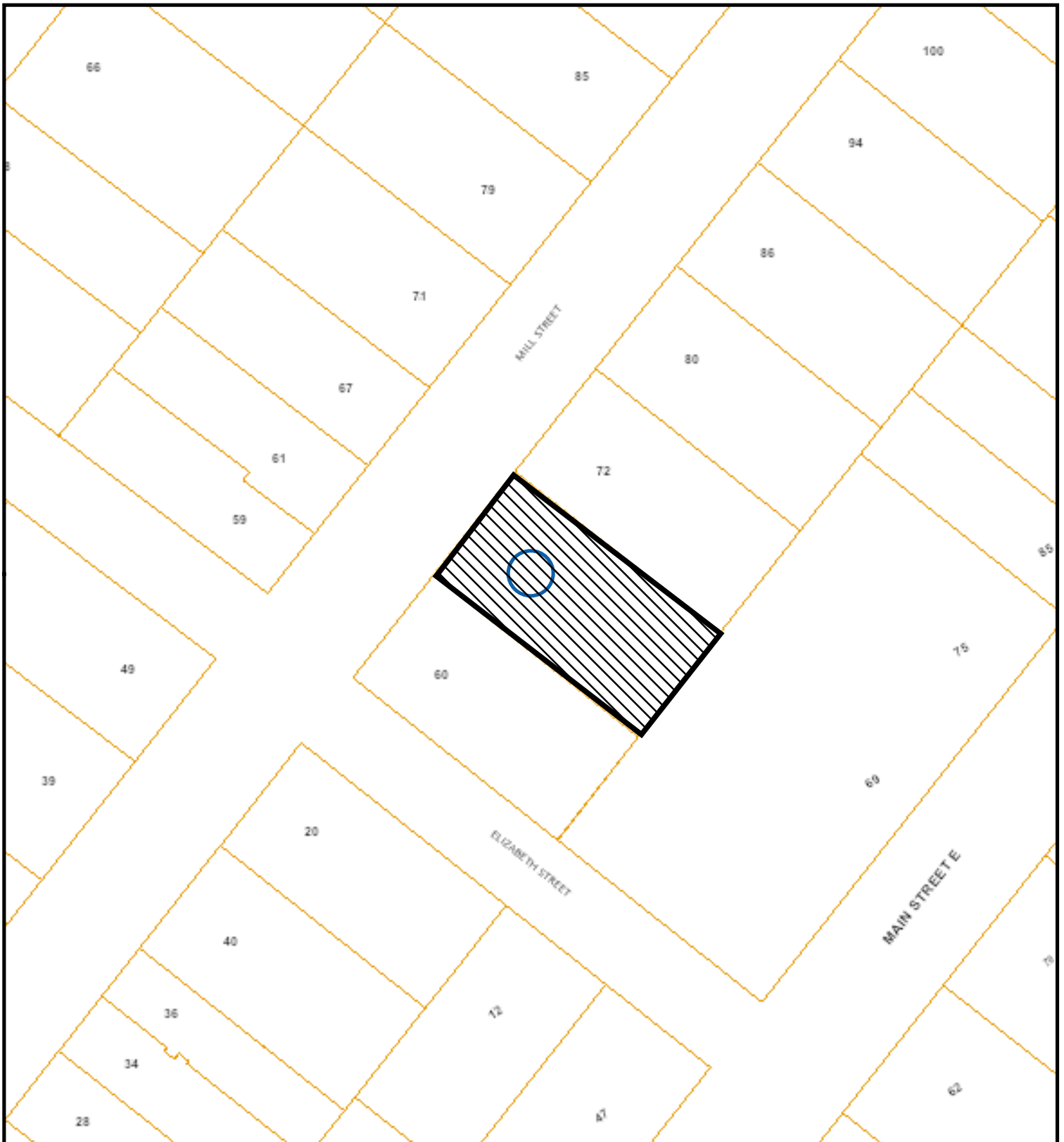
Chief Administrative Officer

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

FileDS-050-22

Development Services



Subject Property
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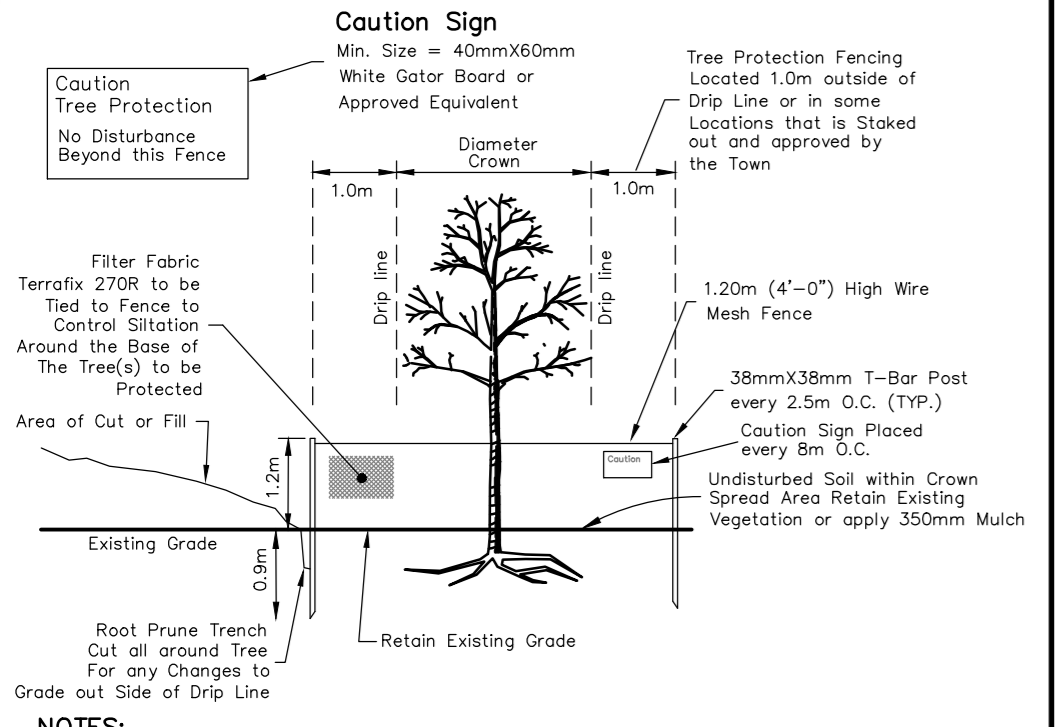
PERMIT NOTE
THE OWNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ENGINEERING SERVICES DEPARTMENT, TOWN OF MILTON, FOR THE PURPOSES OF VEHICULAR ACCESS TO THE PROPERTY (ENTRANCE PERMIT) AND SERVICING EXCAVATIONS WITHIN THE MUNICIPAL ROAD ALLOWANCE (ROAD OCCUPANCY PERMIT).

UTILITY NOTE
ALL BURIED SERVICES HAVE NOT BEEN SHOWN. ALL SERVICES INCLUDING, BUT NOT LIMITED TO, NATURAL GAS, CABLE, BELL, HYDRO, STORM AND SANITARY SEWERS MUST BE LOCATED BY THE RESPECTIVE UTILITY COMPANY PRIOR TO CONSTRUCTION OR EXCAVATION OF ANY KIND.

SNOW FENCE NOTE
PRIOR TO COMMENCEMENT OF ANY WORKS ON SITE A SNOW FENCE IS TO BE INSTALLED ON 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.

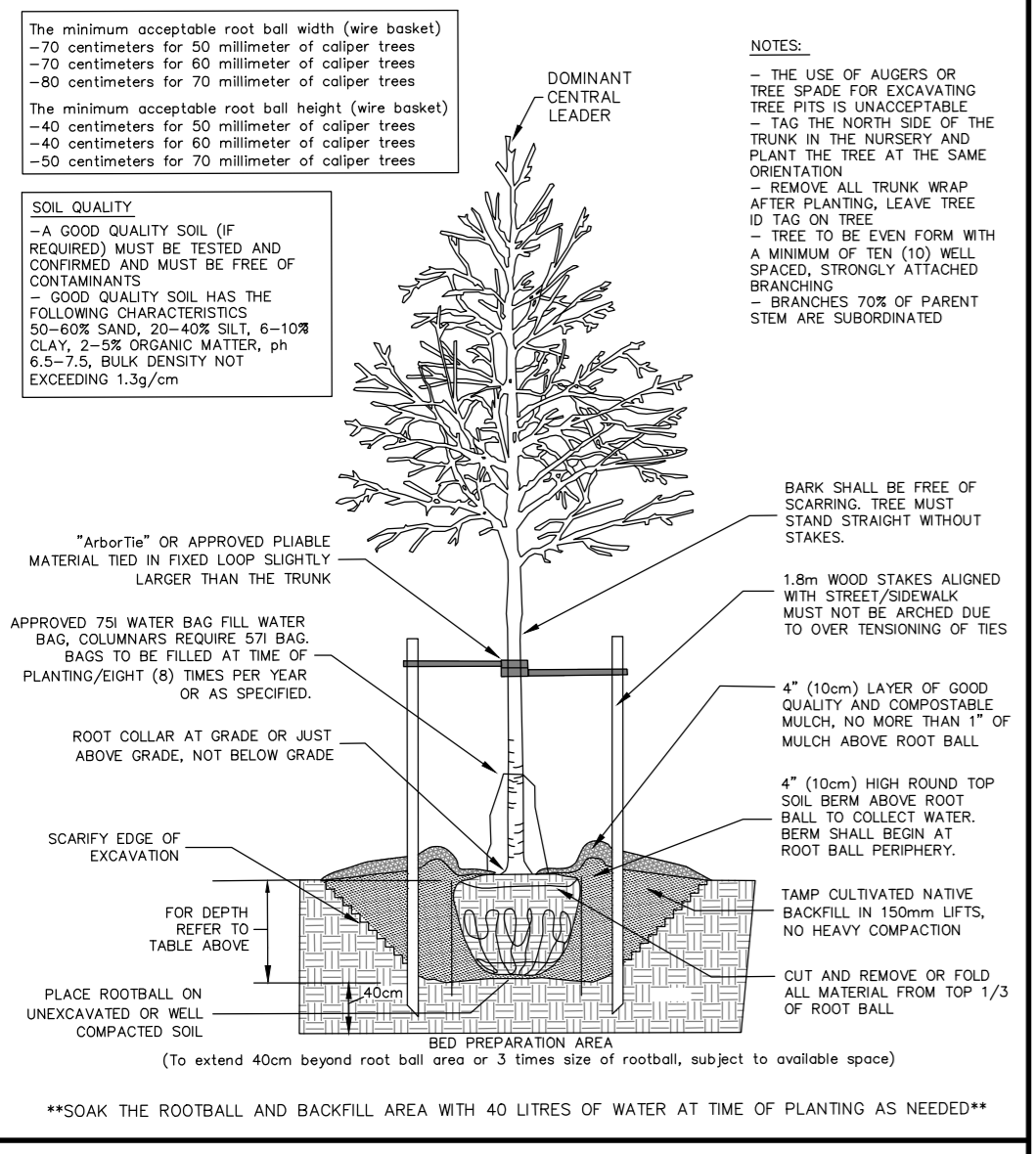
CONSTRUCTION/DRAINAGE NOTES
A. ALL THE CONSTRUCTION WORK FOR THIS PROJECT SHALL COMPLY WITH THE STANDARD DRAWINGS AND SPECIFICATIONS OF THE TOWN OF MILTON, THE REGION OF HALTON AND THE ONTARIO PROVINCIAL STANDARDS.
B. ALL SURFACE DRAINAGE SHALL BE SELF CONTAINED AND DRAINAGE OF ADJUTING PROPERTIES SHALL NOT BE ADVERSELY AFFECTED.
C. SITE DRAINAGE NOT TO BE ALTERED.

TREE PROTECTION FENCING



- NOTES:**
- 1) Tree protection fencing and associated filter fabric is to be maintained in good working order throughout construction period until approval to remove the fencing is obtained by the Town of Milton
 - 2) Existing trees shall be properly protected within the drip line with wire mesh fencing as per the approved landscape plan until substantial performance or replacement with a permanent fence.
 - 3) Steel T-Bar to have Min. 2.5m O.C. Spacing
 - 4) Maintain existing grade within drip line of all trees to be preserved.
 - 5) Prune dead wood only as directed by the Town. Do not prune leaders.
 - 6) Watering and Fertilizing program shall be maintained to the satisfaction of the Town.
 - 7) The cost of replacing dead and severely damaged trees, as determined by the Town, shall be borne by the developer and/or general contractor. The species and size(s) must be approved by the Town.
 - 8) Ensure positive drainage away from the fenced area.
 - 9) No Storage of materials or grade changes are to occur within the fenced area.

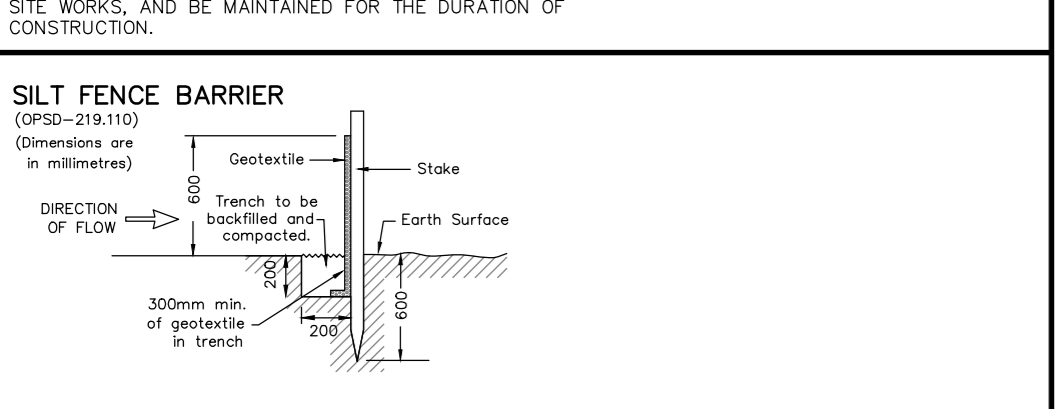
DECIDUOUS TREE PLANTING DETAIL
(For use in assumed Boulevards, Parks, Open Spaces)
(as per Milton drawing P-13.5 (September 2018))



WATER SERVICE NOTE
ALL WATER AND SANITARY MAIN TAPS ARE TO BE PERFORMED BY REGION OF HALTON FORCES ONLY.

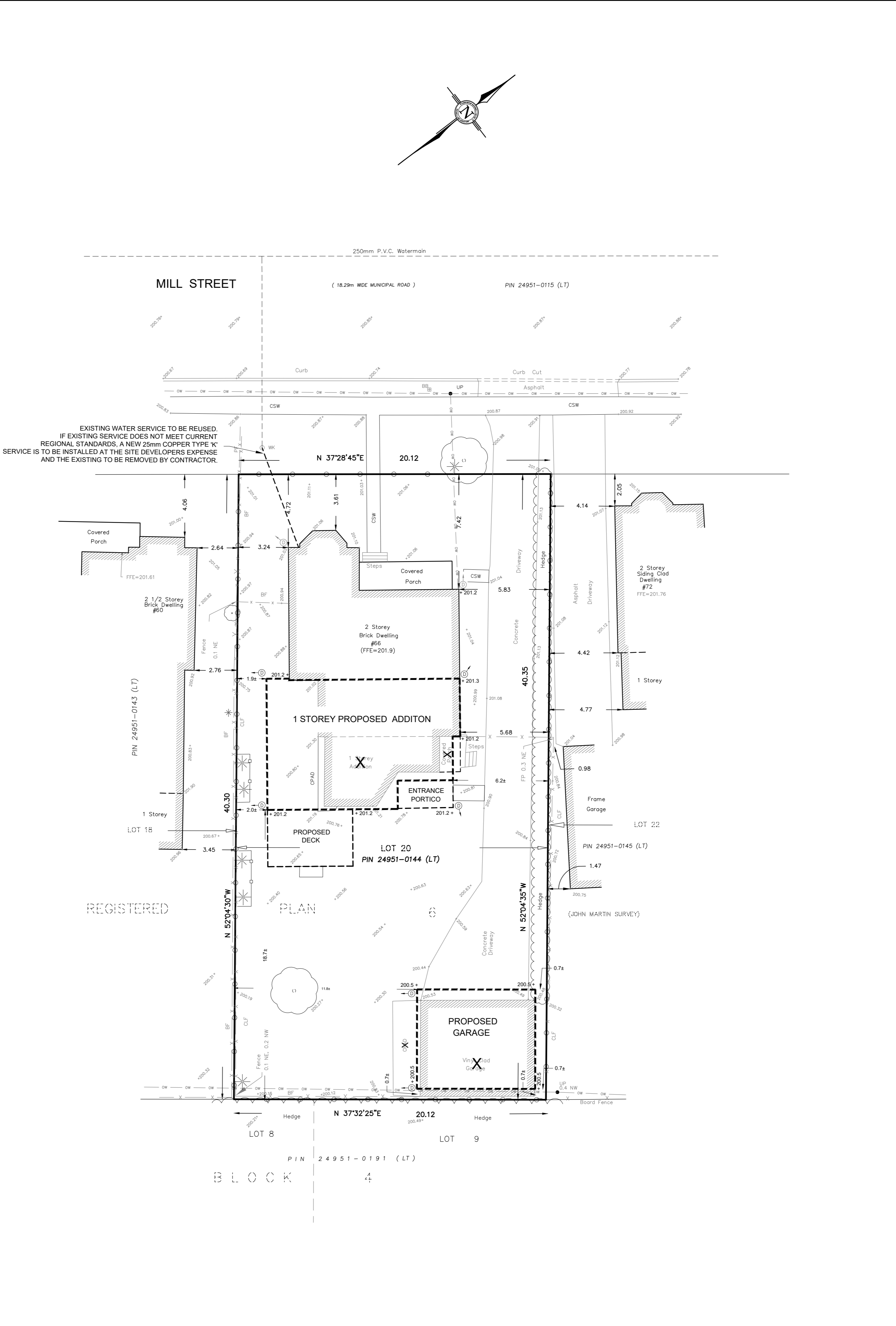
SANITARY SERVICE NOTE
ALL WATER AND SANITARY MAIN TAPS ARE TO BE PERFORMED BY REGION OF HALTON FORCES ONLY.
(NOT REQUIRED UNDER THIS APPLICATION, EXISTING HOOKUPS TO BE USED)

SILT CONTROL NOTE
SILT CONTROLS ARE TO BE IN PLACE PRIOR TO THE START OF SITE WORKS, AND BE MAINTAINED FOR THE DURATION OF CONSTRUCTION.

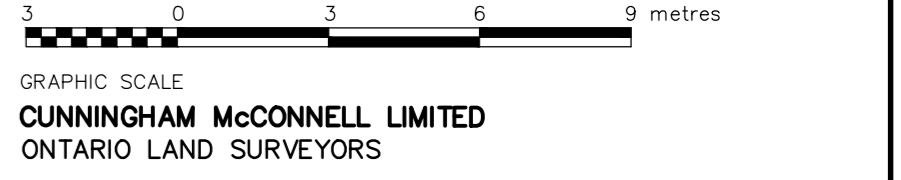


REGIONAL APPROVAL
REGION DESIGN OF WATER &/OR WASTEWATER SERVICES APPROVED SUBJECT TO DETAIL CONSTRUCTION CONFORMING TO HALTON REGION STANDARDS & SPECIFICATIONS & LOCATION APPROVAL FROM AREA MUNICIPALITY.
(NOT REQUIRED UNDER THIS APPLICATION)
SIGNED _____ DATED _____

The Applicant should be aware that the approval of the water system on private property is the responsibility of the Local Municipality. Regardless, the Applicant must ensure that the Region of Halton's standards and specifications are met. (the Water and Wastewater Linear Design Manual may be obtained thru the Data Management Group at 905-825-6032) Furthermore, all water quality tests must be completed to the Region of Halton's satisfaction, before the water supply can be turned on.

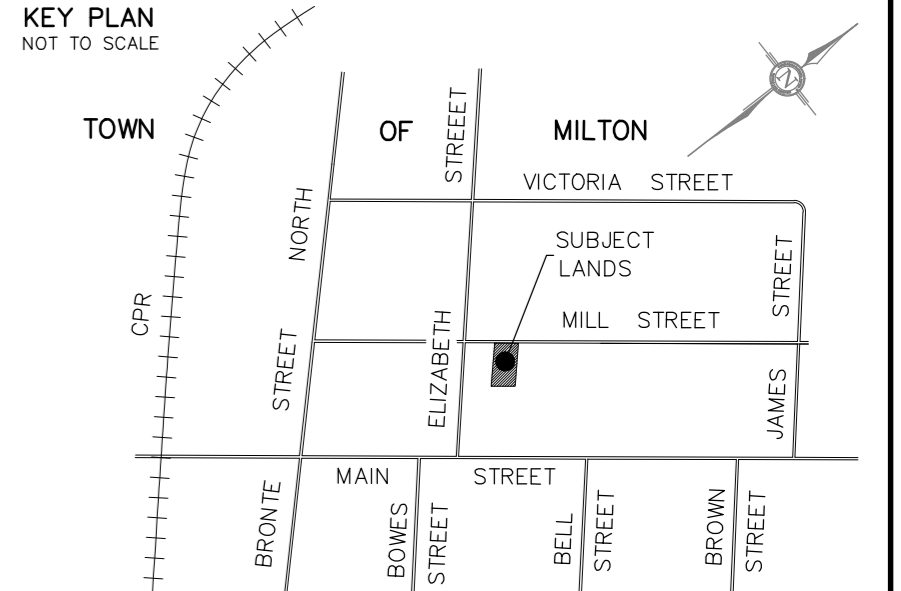


SITE GRADING PLAN OF LOT 20, BLOCK 4 REGISTERED PLAN 6 (JOHN MARTIN'S SURVEY) TOWN OF MILTON REGIONAL MUNICIPALITY OF HALTON # 66 Mill Street SCALE 1:150



METRIC NOTE
ALL DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

BENCH MARK NOTE
ALL ELEVATIONS SHOWN HERE ON ARE GEODETIC AND ARE RELATED TO THE TOWN OF MILTON BENCH MARK # 92-013 BEING A BRASS PLAQUE IN THE NORTH FACE OF A CONCRETE BRIDGE CARRYING MILL STREET OVER THE SIXTEEN MILE CREEK APPROXIMATELY 40 METRES WEST OF MARTIN STREET. PLAQUE IS 0.5 METRES EAST OF THE WESTERLY CORNER OF THE BRIDGE AND 0.5 METRES ABOVE GROUND LEVEL HAVING AN ELEVATION OF 195.723 METRES.



LEGEND

FFS	DENOTES FINISHED FLOOR
BB	DENOTES BELL BOX
BF	DENOTES BOARD FENCE
CLF	DENOTES CHAIN LINK FENCE
CPAD	DENOTES CONCRETE PAD
CSW	DENOTES CONCRETE SIDEWALK
FFE	DENOTES FINISHED FLOOR ELEVATION
MH	DENOTES MANHOLE
PF	DENOTES PLASTIC FENCE
UP	DENOTES UTILITY POLE
WK	DENOTES WATER KEY
(Symbol)	DENOTES DECIDUOUS TREE
(Symbol)	DENOTES CONIFEROUS TREE
(Symbol)	DENOTES FENCE LINE
(Symbol)	DENOTES OVERHEAD WIRE
+ 99.99	DENOTES EXISTING GRADE
+ 99.99	DENOTES PROPOSED GRADE
(Symbol)	DENOTES PROPOSED SILT FENCE (OPSD 219-10)
(Symbol)	DENOTES TREE PROTECTION FENCE
(Symbol)	DENOTES TO BE REMOVED
(Symbol)	DENOTES DOWN PIPE

SITE STATISTICS & INFORMATION
ZONING
RLD1
LOT FRONTAGE
20.12 metres
LOT DEPTH
40.32 metres

LANDSCAPED OPEN SPACE
LANDSCAPED AREA: 570.00 m²
HARD LANDSCAPED AREA (INCL DRIVEWAY, SIDEWALKS & DECK) 146.33 m²
TOTAL LANDSCAPED AREA 423.67 m²
TOTAL OPEN SPACE AREA: 74.3% PROPOSED (30% REQUIRED)

LOT AREA
811 SQ. M.
BUILDING FOOTPRINT
EXISTING & PROPOSED ADDITION DWELLING = 192 SQ. M.
PROPOSED GARAGE = 49 SQ. M.
TOTAL = 241 sq. m.

LOT COVERAGE
PROPOSED 30.0% (25% PERMITTED)
(INCLUDES, GARAGE, COVERED PORCH & PORTICO)

BUILDING HEIGHT
PROPOSED ADDITION < EXISTING DWELLING
PROPOSED GARAGE = 6.3m (4.3 PERMITTED, SEE MINOR VARIANCE APPLICATION)

DWELLING SETBACKS
FRONT YARD SETBACK = 3.61m (EXISTING) (4.0m REQUIRED)
WEST SIDE YARD SETBACK (INTERIOR) = 1.9 m. (PROPOSED) (1.2 REQUIRED)
EAST SIDE YARD SETBACK (INTERIOR) = 5.68m (EXISTING) (1.2 REQUIRED)
REAR YARD SETBACK = 18.7 (PROPOSED) (7.5m REQUIRED)

PROPOSED GARAGE SETBACKS
FRONT YARD SETBACK = 3.31 (PROPOSED) (5.5m REQUIRED)
WEST SIDE YARD SETBACK (INTERIOR) = 11.8 m. (PROPOSED) (0.6 REQUIRED)
EAST SIDE YARD SETBACK (INTERIOR) = 0.7m (PROPOSED) (0.6 REQUIRED)
REAR YARD SETBACK = 0.7m (PROPOSED) (0.6m REQUIRED)

DESIGN ELEVATIONS (ADDITION)
FINISHED FLOOR ELEVATION = 201.9m (MATCH TO EXISTING)
TOP OF FOUNDATION WALL = 201.6m
BASEMENT FLOOR ELEVATION = 199.5m
UNDERSIDE OF FOOTING ELEVATION = 198.6
PROPOSED GARAGE FLOOR ELEVATION = 200.5m
NOTE: - A MINIMUM OF 1.2 METRES OF COVER MUST BE MAINTAINED OVER ALL FOOTINGS

BOUNDARY NOTE:
BOUNDARY INFORMATION SHOWN HEREON TAKEN FROM THE PLAN OF SURVEY BY OFFICE DATED FEBRUARY 28, 2022.

SURVEYOR'S CERTIFICATE
I CERTIFY THAT THE FIELD WORK SHOWN HEREON WAS COMPLETED ON DECEMBER 14, 2022.

DATE: MARCH 24, 2022

ROBERT D. MCCONNELL
ONTARIO LAND SURVEYOR

CUNNINGHAM McCONNELL LIMITED
ONTARIO LAND SURVEYORS
205 MAIN STREET MILTON, ONTARIO L9T 1N7 PHONE (905) 878-6672 FAX (905) 878-6672 milton.office@cmlsurveyors.ca
1200 SPERS ROAD, UNIT 38 OAKVILLE, ONTARIO L6L 2X4 PHONE (905) 845-3497 FAX (905) 845-3519 info@ccmlsurveyors.ca
CLIENT: HERITAGE HOMES
PLAN NO. 129-21-2