



# The Corporation of the Town of Milton

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Report To: Council

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From: Jill Hogan, Commissioner, Development Services

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Date: July 18, 2022

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Report No: DS-087-22

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Subject: Authorization for Submission of a Minor Variance Application on lands municipally known as 64 John Street, Milton

**Recommendation:** THAT Report DS-087-22 entitled “Authorization for Submission of a Minor Variance Application on lands municipally known as 64 John Street.”, dated July 18, 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.

## EXECUTIVE SUMMARY

- 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 64 John 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 64 John Street has indicated their desire to submit a Minor Variance Application to seek relief from the special Residential Low Density I (RLD1\*279) provisions in the Zoning By-law in order to facilitate the construction of a proposed single detached dwelling. The following is being requested:

1. To allow 31.5% lot coverage, whereas 25% is permitted.
2. To allow the garage to be setback from the building face 4.18 metres, whereas 5.5 metres is required.

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 proponent made an effort to reduce the lot coverage and in doing so, achieved the minimum interior side yard setback while creating thoughtful transitions that contribute to enhancing the quality of the streetscape.
- The façade treatment, symmetry of the dwelling face, and use of materials, retains the quality of the street.

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  
Commissioner, Development Services

For questions, please contact: Rachel Suffern, MSc, MPA  
Planner

Phone: Ext. 2263



# The Corporation of the Town of Milton

Report #:  
DS-087-22  
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## Attachments

Figure 1 Location Map

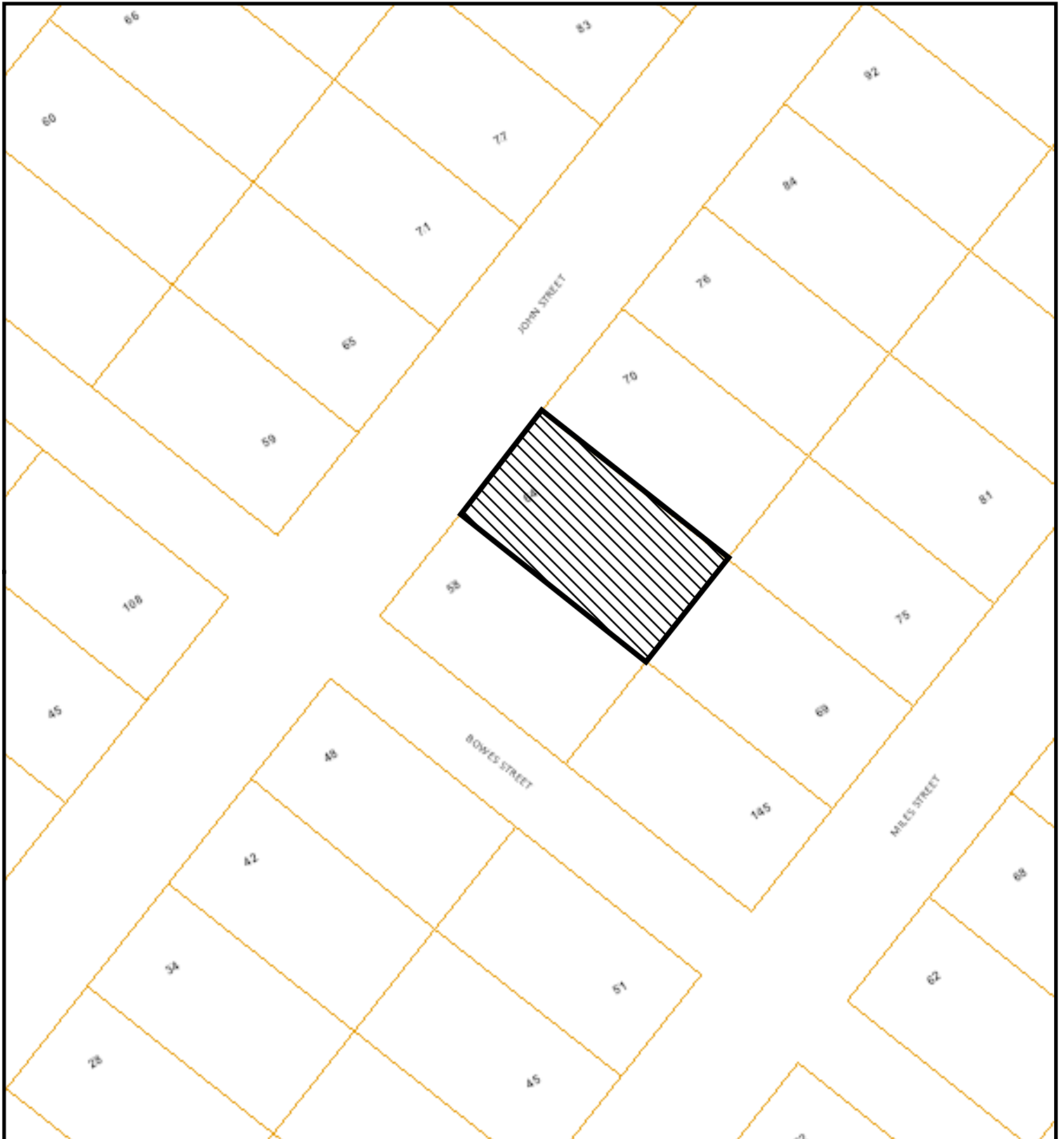
Figure 2 Drawings, Elevations and Site Plan

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:  
July 18, 2022

Scale: 1:1,128.5

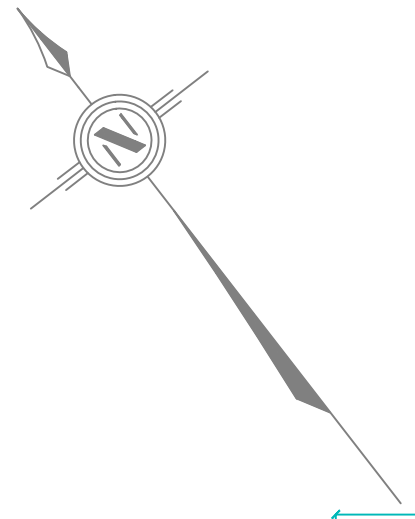
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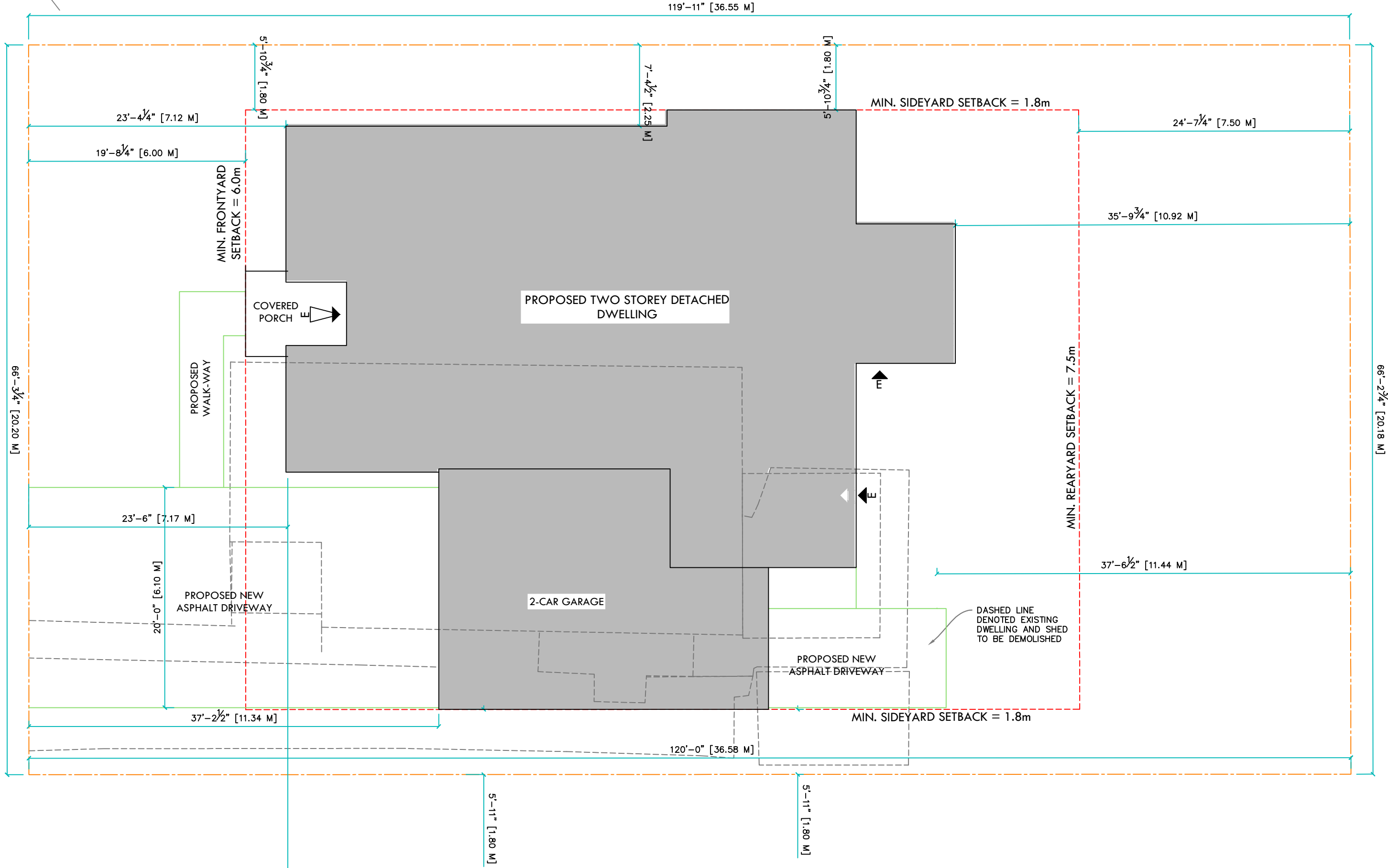


Subject Property  
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SITE STATISTICS			
LOT 85 REGISTERED PLAN 695			
ZONING:	RLD1*279		
LOT FRONTAGE:	20.20 M		
LOT AREA:	738.28 SQM (7,946.88 SQFT)		
LOT COVERAGE PERMITTED:	184.57 SQM (1,986.69 SQFT) 25%		
PROPOSED DWELLING:	227.14 SQM (2,445.00 SQFT)		
PROPOSED COVERED PORCH:	5.01 SQM (54.00 SQFT)		
TOTAL:	232.15 SQM (2,498.84 SQFT) 29%		
BUILDING HEIGHT PERMITTED:	9.50m		
PROPOSED HEIGHT:	9.03m		
LANDSCAPED AREA MIN. PERMITTED:	221.48 SQM (2,383.99 SQFT) 30%		
PROPOSED:	402.67 SQM (4,334.32 SQFT) 54%		



J O H N S T R E E T



1:100  
SITE PLAN

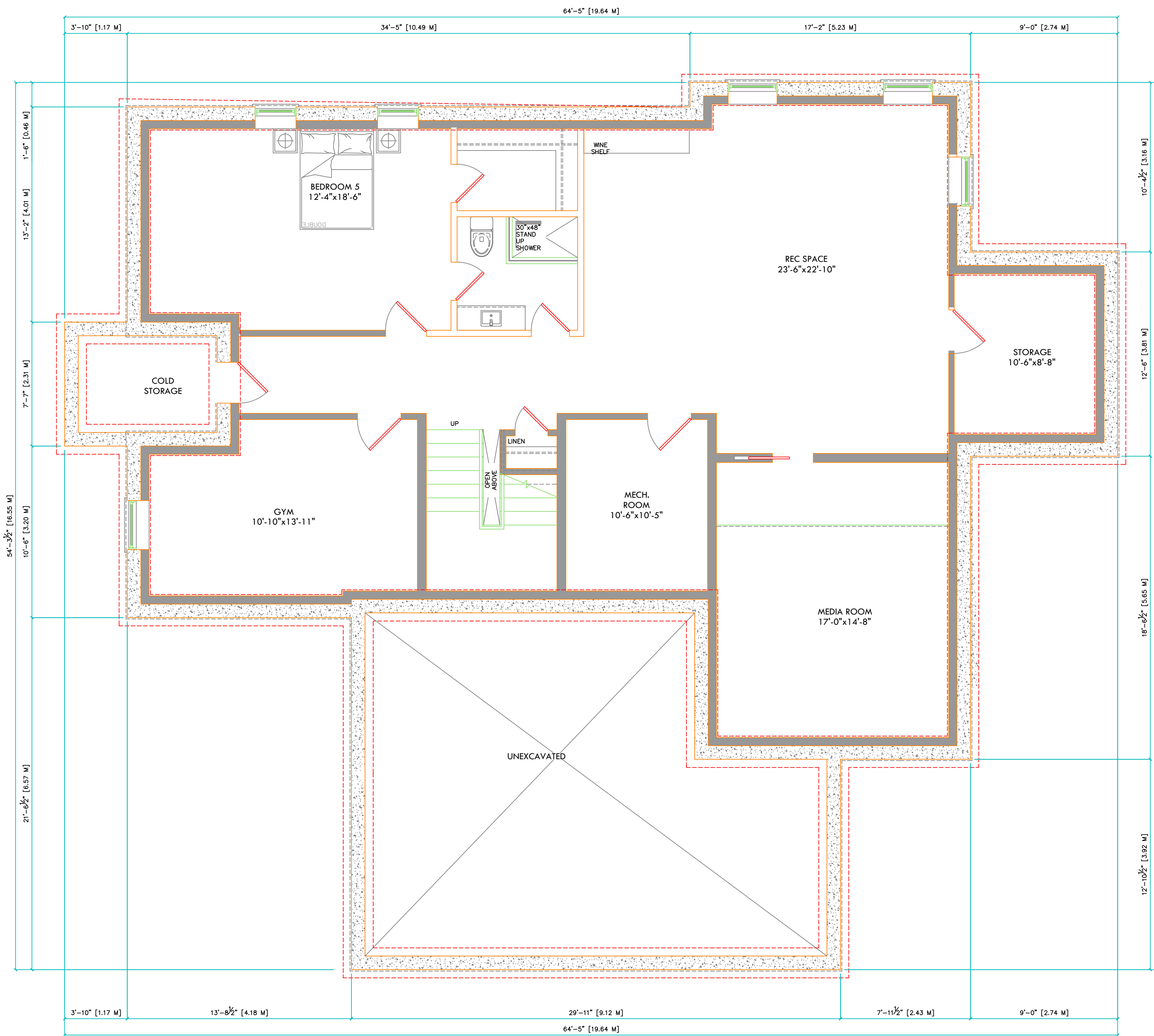
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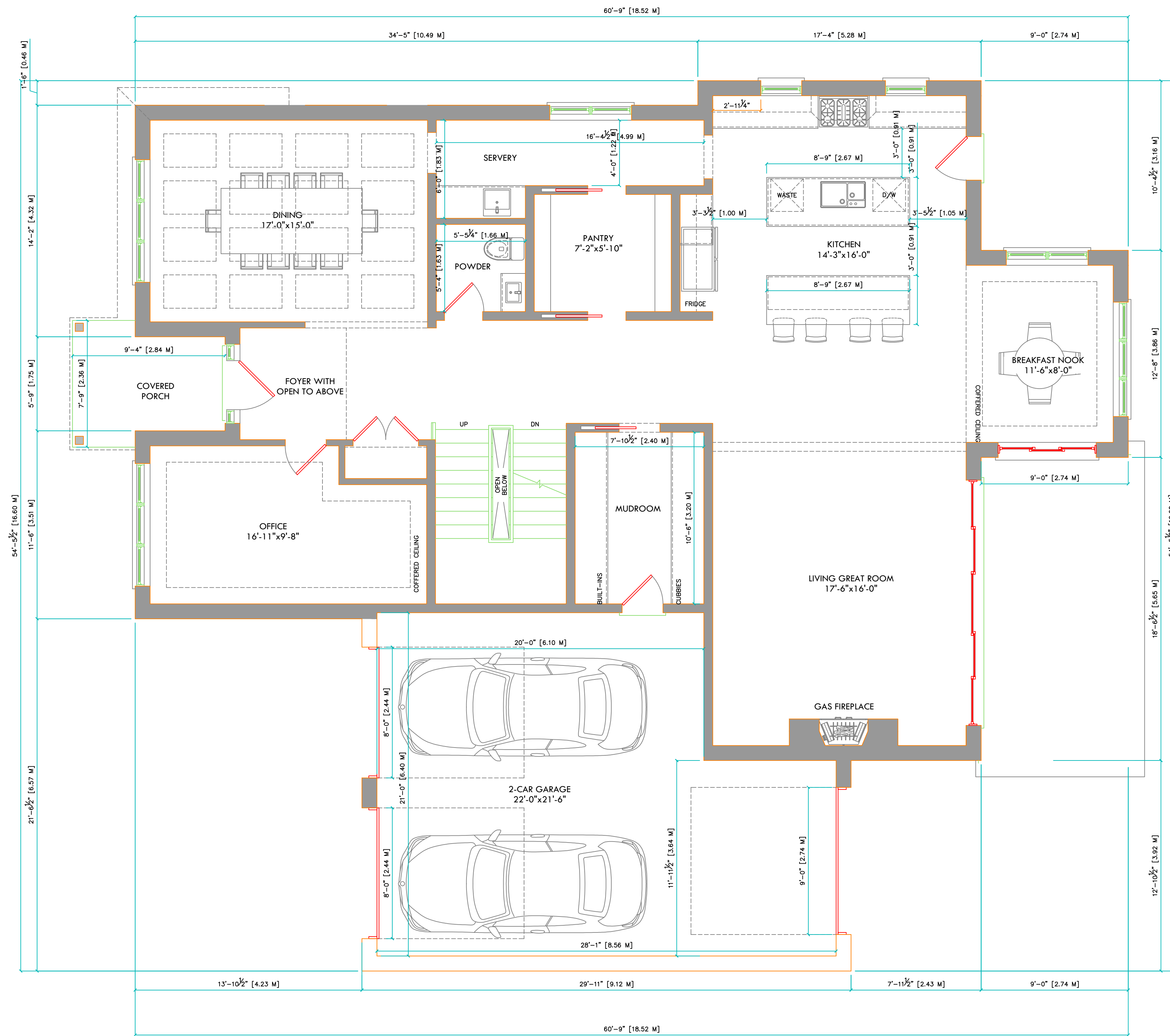
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DRAWING TITLE: SITE PLAN  
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 ADDRESS: 64 JOHN ST. MILTON  
 PROJECT: 2003-004 SCALE: 1:100  
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1/4"=1'-0"  
BASEMENT FLOOR PLAN (1730 SQ.FT)

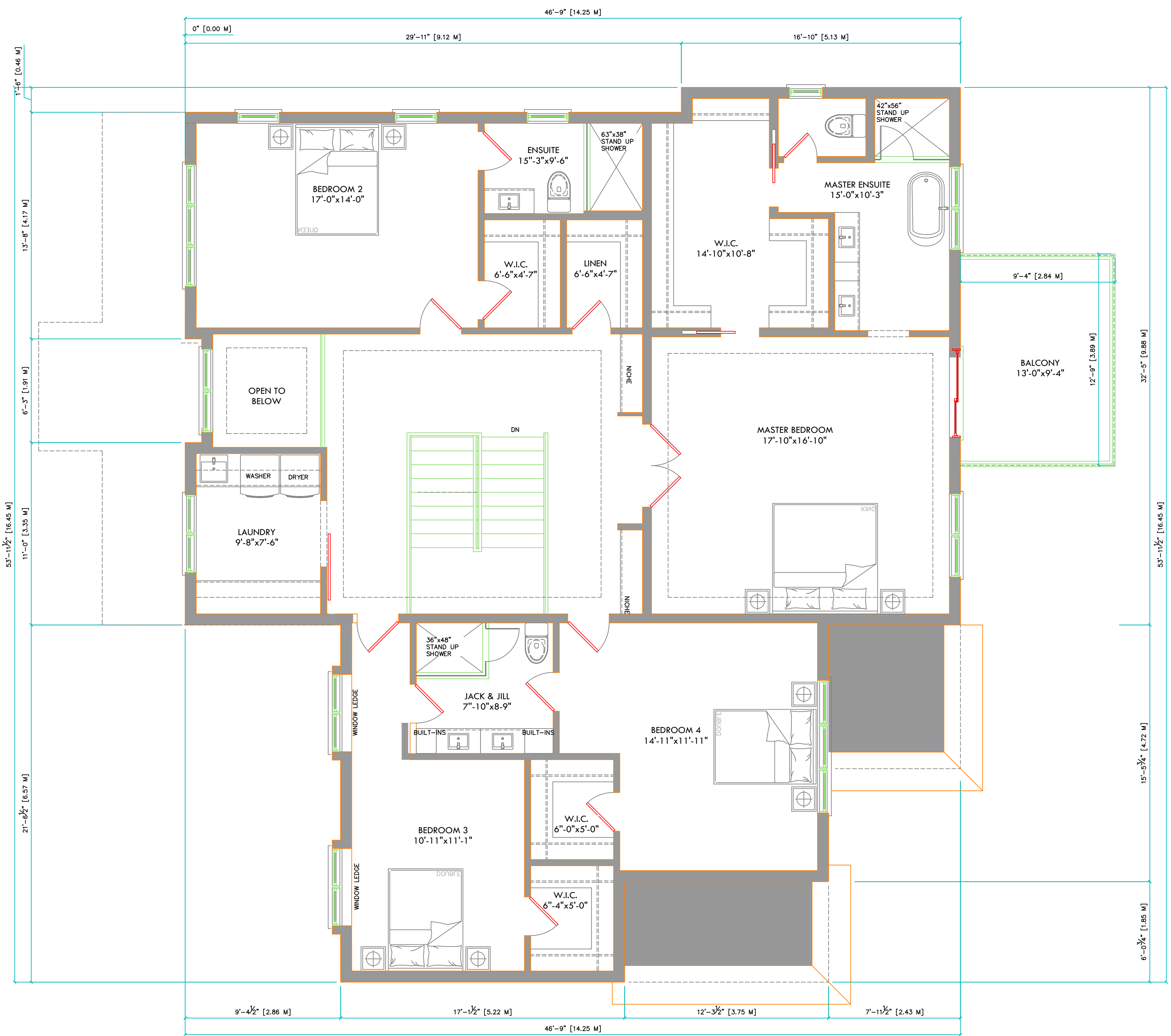
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1/4" = 1'-0"  
GROUND FLOOR PLAN (1874 SQ.FT)

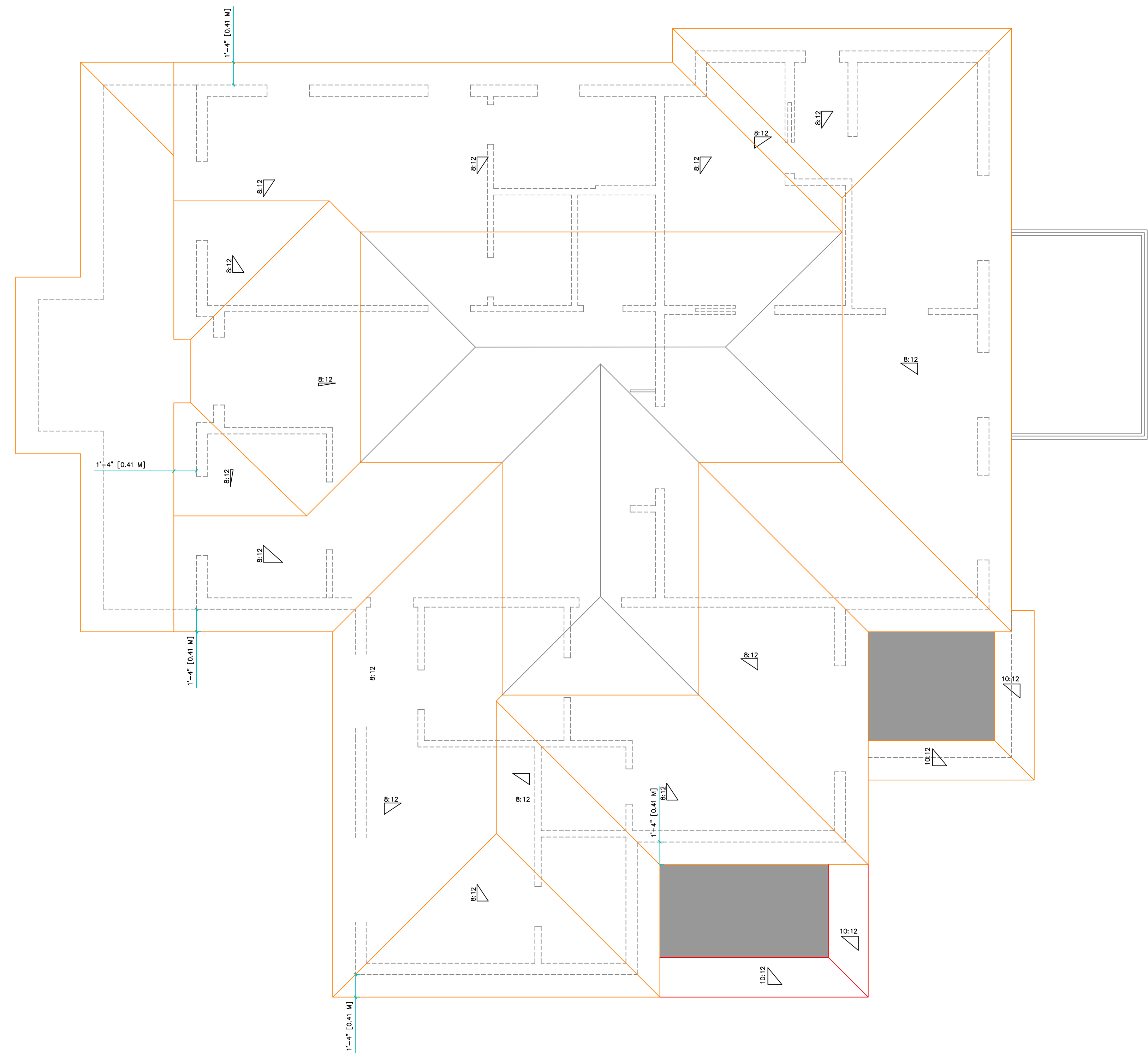
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**SECOND FLOOR PLAN (2034 SQ.FT)**

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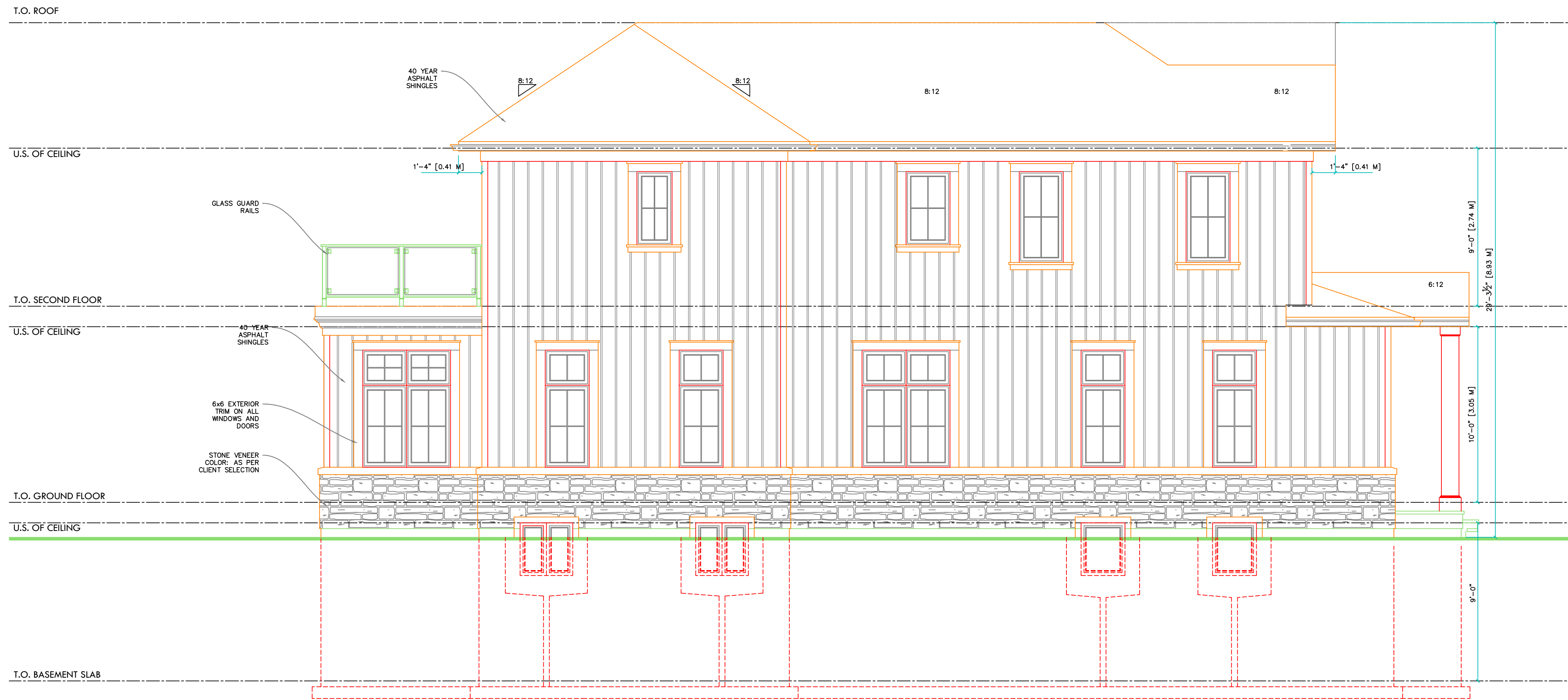
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ROOF PLAN

<p><b>GENERAL NOTES</b></p> <p>DRAWINGS ARE TO BE READ NOT SCALED. DESIGN AND CONSTRUCTION OF THIS BUILDING SHALL COMPLY WITH ONTARIO BUILDING CODE, AS AMENDED. DRAWINGS NOT INTENDED FOR PERMIT OR CONSTRUCTION UNLESS SIGNED BY DESIGNER OR ENGINEER. DO NOT BEGIN CONSTRUCTION UNTIL DESIGNER OR PROJECT MANAGER HAS BEEN NOTIFIED. CONTRACTOR TO SITE VERIFY DIMENSIONS AND ANY DISCREPANCIES DISCOVERED SHALL BE REPORTED TO THE DESIGNER IMMEDIATELY. THE DRAWINGS AND DOCUMENTS ARE THE EXCLUSIVE PROPERTY OF LUCID HOMES INC. REPRODUCTION OF THE DOCUMENTS PROVIDED IS PROHIBITED WITHOUT CONSENT OF THE DESIGNER.</p>		<p><b>REVISION LIST</b></p> <table border="1"> <tr><td>1 -</td><td>MM.DD.YYYY</td></tr> <tr><td>2 -</td><td>MM.DD.YYYY</td></tr> <tr><td>3 -</td><td>MM.DD.YYYY</td></tr> <tr><td>4 -</td><td>MM.DD.YYYY</td></tr> <tr><td>5 -</td><td>MM.DD.YYYY</td></tr> </table>	1 -	MM.DD.YYYY	2 -	MM.DD.YYYY	3 -	MM.DD.YYYY	4 -	MM.DD.YYYY	5 -	MM.DD.YYYY	<p><b>ISSUE LIST</b></p> <table border="1"> <tr><td>1 -</td><td>MM.DD.YYYY</td></tr> <tr><td>2 -</td><td>MM.DD.YYYY</td></tr> <tr><td>3 -</td><td>MM.DD.YYYY</td></tr> <tr><td>4 -</td><td>MM.DD.YYYY</td></tr> <tr><td>5 -</td><td>MM.DD.YYYY</td></tr> </table>	1 -	MM.DD.YYYY	2 -	MM.DD.YYYY	3 -	MM.DD.YYYY	4 -	MM.DD.YYYY	5 -	MM.DD.YYYY	<p><b>DRAWING TITLE:</b> ROOF PLAN  <b>DRAWN BY:</b> ———  <b>ADDRESS:</b> 64 JOHN ST. MILTON  <b>PROJECT NO.:</b> 004  <b>SHEET NO.:</b> 103</p>
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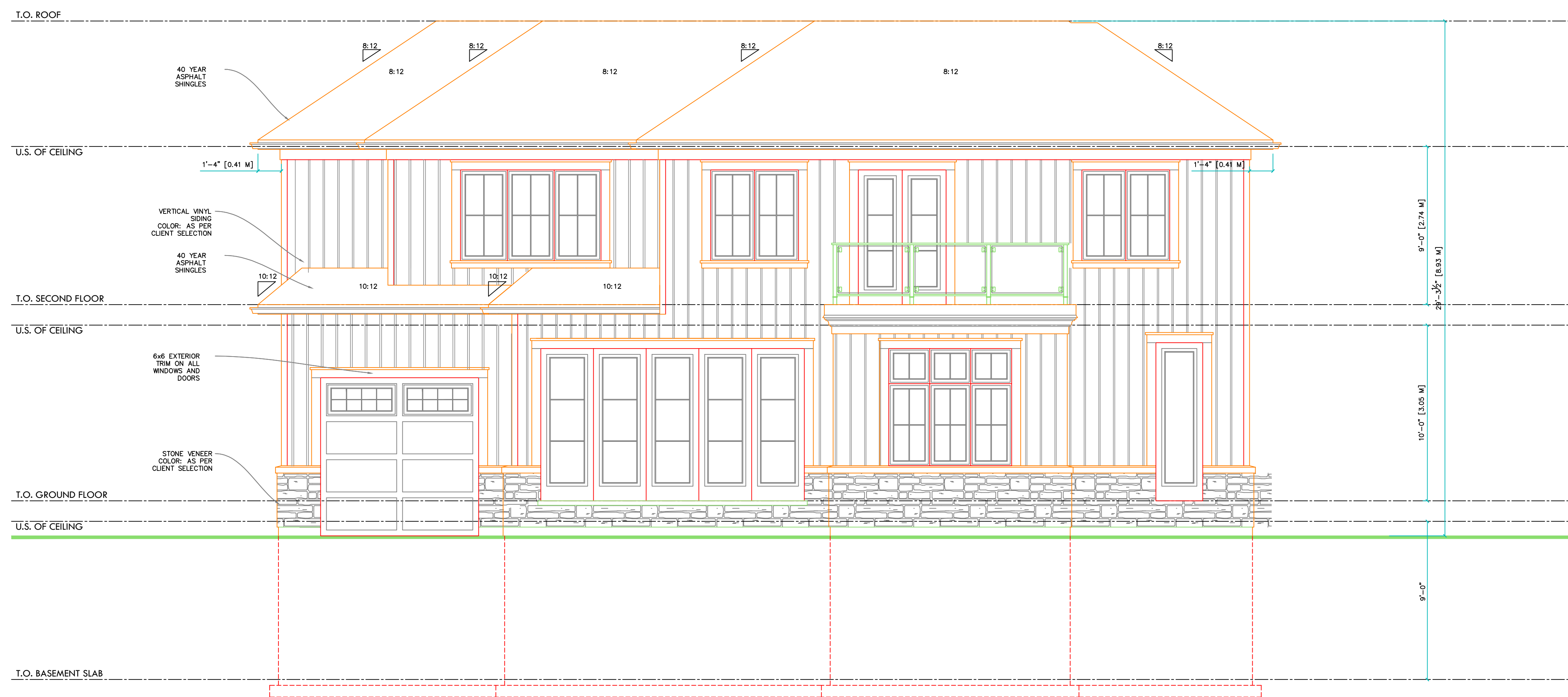
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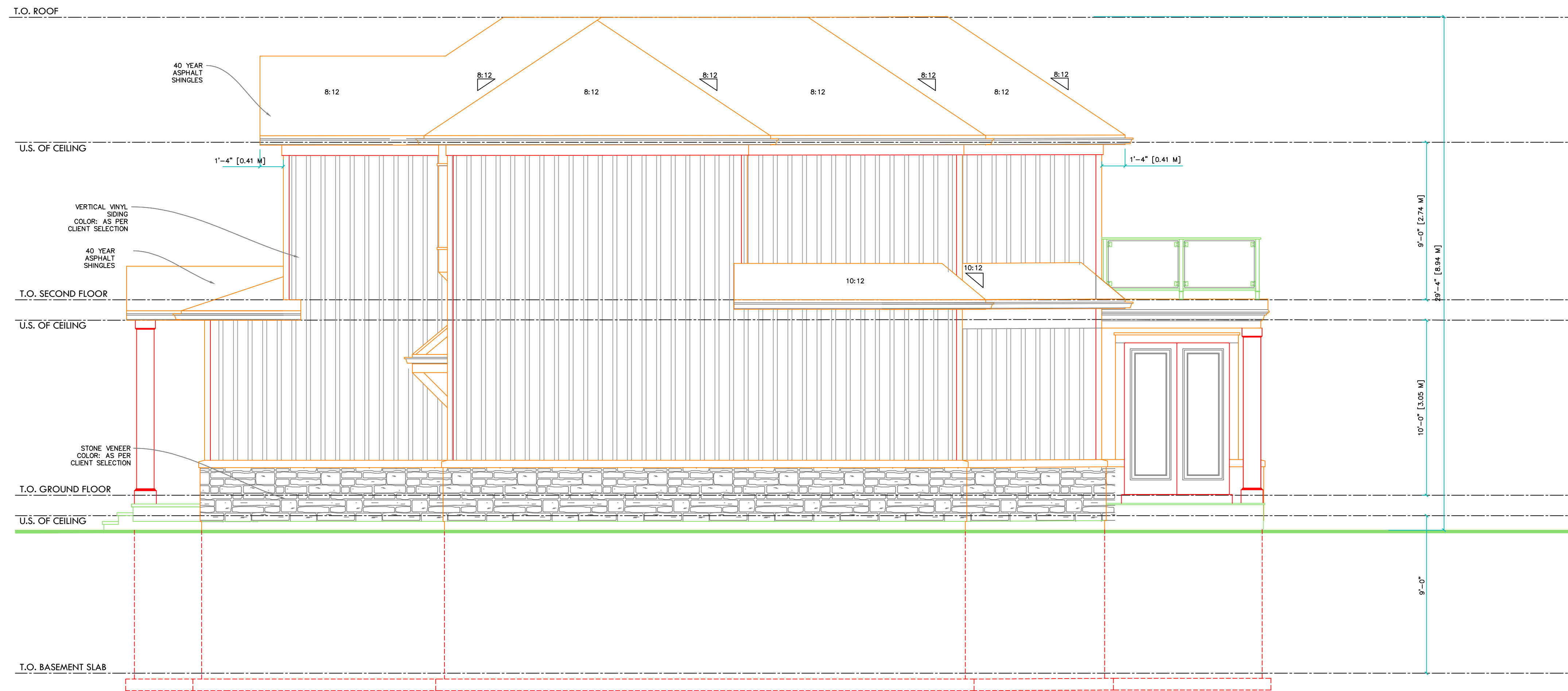
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EAST ELEVATION

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1/4"=1'-0"  
SOUTH ELEVATION

GENERAL NOTES		REVISION LIST		ISSUE LIST		DRAWING TITLE	
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