



# 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-086-22

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Subject: Authorization for Submission for a Minor Variance Application on lands municipally known as 382 Broadway Avenue, Milton

**Recommendation:** THAT Report DS-086-22 entitled “Authorization for Submission of a Minor Variance Application on lands municipally known as 382 Broadway Avenue.”, 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 077-2021, 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 382 Broadway Avenue 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*

## Background

*of a specific application, class of application or in respect of such applications generally.  
2015, c.26, s. 29(2)*

## Discussion

The Owner of 382 Broadway Avenue has indicated their desire to submit a Minor Variance Application to seek relief from Residential Low Density II (RLD2) zone to facilitate a proposed two-storey single detached dwelling. The following relief is required:

- To permit a lot coverage of 37.7%, whereas 30% is required.
- To permit an interior side yard setback of 1.2 metres, whereas 1.8 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 077-2022 for the following reasons:

- The proposal does not alter the existing front yard and rear yard setbacks, nor exceeds maximum height provisions. Further, the selection of materials and garage design are sympathetic to the neighbourhood character.
- The proposed dwelling introduces increased lot coverage, but is compensated with a respectful design that is sympathetic to the surrounding neighbourhood built form.
- The proposed reduction of the side yard setbacks is compensated by the second storey of the dwelling being further setback than that of the garage. This variation in setbacks contributes to mitigating the impact of the reduced setback in way of design and façade. It balances the massing of the dwelling and is sympathetic to surrounding neighbourhood attributes.

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 impacts associated with this report.



# The Corporation of the Town of Milton

Report #:  
DS-086-22  
Page 4 of 4

Respectfully submitted,

Jill Hogan, MCIP, RPP  
Commissioner, Development Services

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

## Attachments

Figure 1 Location Map

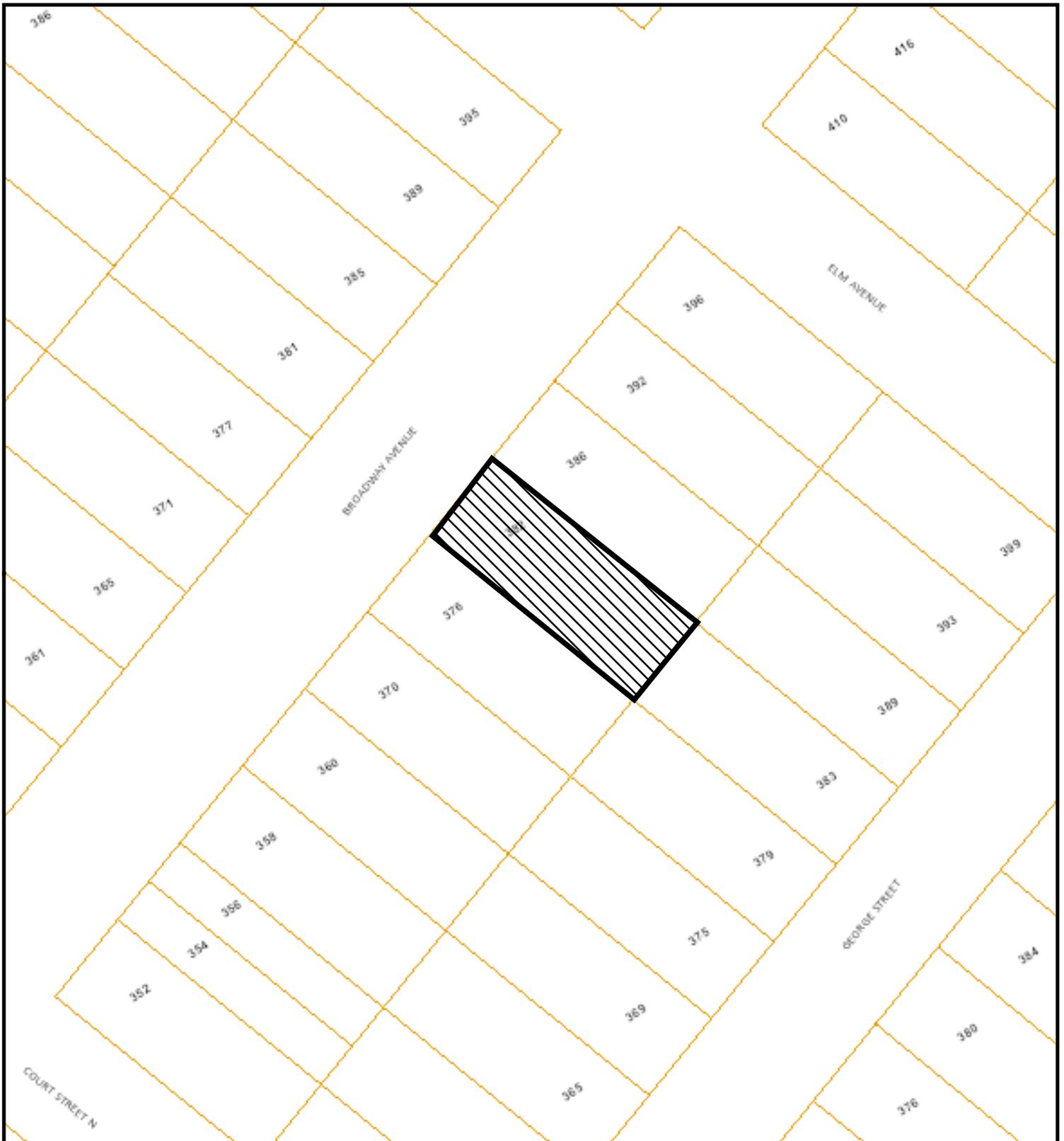
Figure 2 Proposed Drawings, Elevations and Site Plan

Approved by CAO  
Andrew M. Siltala  
Chief Administrative Officer

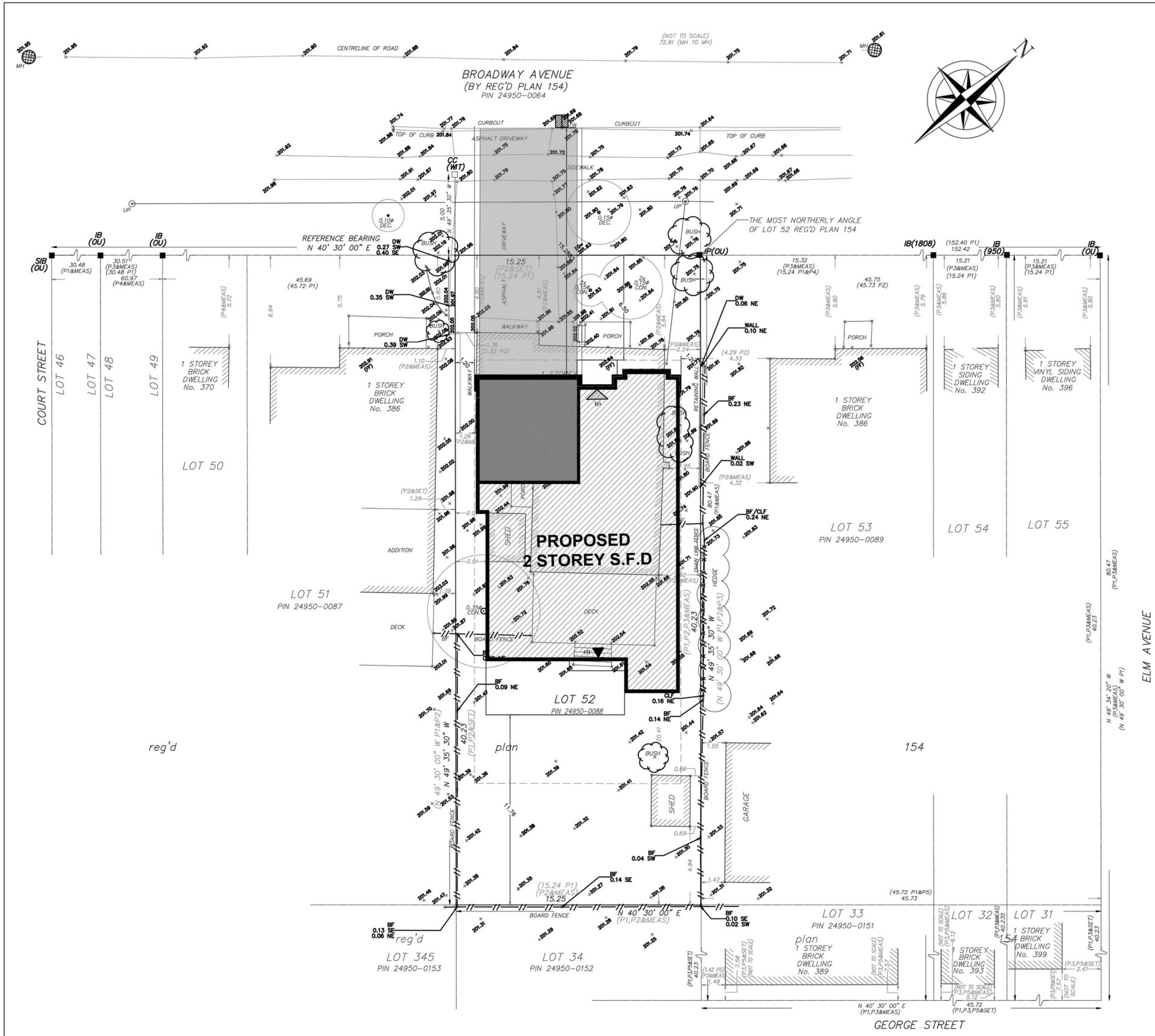
## Recognition of Traditional Lands

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	File:	Development Services
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**SITE STATISTICS**  
**ADDRESS:** 382 BROADWAY AVENUE, MILTON, ONTARIO, L9T 1T7  
**LEGAL DESCRIPTION:** LOT 52 AND REGISTERED PLAN 154  
**ZONING:** BY-LAW 007-2022 RLD2 - RESIDENTIAL LOW DENSITY II

	%	METRIC	IMPERIAL
<b>LOT AREA:</b>		613.4	6602.80
<b>LOT FRONTAGE:</b>		15.25	50.03
<b>GROSS FLOOR AREA:</b>			
PROPOSED GFA		184.87	1,990
GROUND FLOOR		191.00	2,056
SECOND FLOOR	61.28	375.87	4,046
<b>TOTAL</b>			
TOTAL BASEMENT		161.37	1,737
FINISHED AREA		158.77	1,709
UNFINISHED AREA		2.60	28
<b>LOT COVERAGE:</b>			
PERMITTED	30	184.02	1,981
PROPOSED DWELLING	30.14	184.87	1,990
PROPOSED GARAGE	6.59	40.41	435
PROPOSED COVERED PORCHES	0.58	3.53	38
<b>PROPOSED TOTAL</b>	<b>37.30</b>	<b>228.81</b>	<b>2,463</b>
<b>MAXIMUM HEIGHT</b>			
PERMITTED		9.00	29'-6"
PROPOSED (TO RIDGE)		9.00	29'-6"
<b>SETBACK CALCULATIONS:</b>			
FRONT YARD - PERMITTED (DWELLING+PORCHES)	=	6.50	21.33
- PROPOSED (DWELLING+PORCHES)	=	6.50	21.33
REAR YARD - PERMITTED (DWELLING+PORCHES)	=	7.50	24.61
- PROPOSED (DWELLING+PORCHES)	=	11.76	38.58
SIDE YARD SW - PERMITTED (DWELLING)	=	1.80	5.91
- PROPOSED DWELLING	=	1.20	3.94
SIDE YARD EAST - PERMITTED DWELLING	=	1.80	5.91
- PROPOSED DWELLING	=	1.20	3.94

**C. H. WORLD DESIGN & CONSTRUCTION Ltd.**  
 1559 Watersedge Road, Mississauga, ON. L5J 1A6. (647) 298-1206

**DESIGNED BY: Ni Ni**  
**B. C. I. N. #: 41885**

- GENERAL NOTES**
- 1) Contractor to check all dimensions, specifications, ect. on site and shall be responsible for reporting any discrepancy to the engineer and/or designer.
  - 2) These plans are to remain the property of the designer and must be returned upon request. These plans must not be used in any other location without the written approval of the designer.
  - 3) These drawings are for permit application purpose. Contractor must check all applicable By-laws and OBC. Any discrepancy must be reported to the designer.

SIGN.	DATE	REVISION	NO.

DRAWING  
**SITE PLAN**

PROJECT  
**KOONER RESIDENCE**

PROJECT  
**382 BROADWAY AVE, MILTON, ONTARIO LGJ 6R1**

DATE	JUNE 2022	SHEET	AO
SCALE	1:150		



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DRAWING

**BASEMENT &  
FOUNDATION  
FLOOR PLAN**

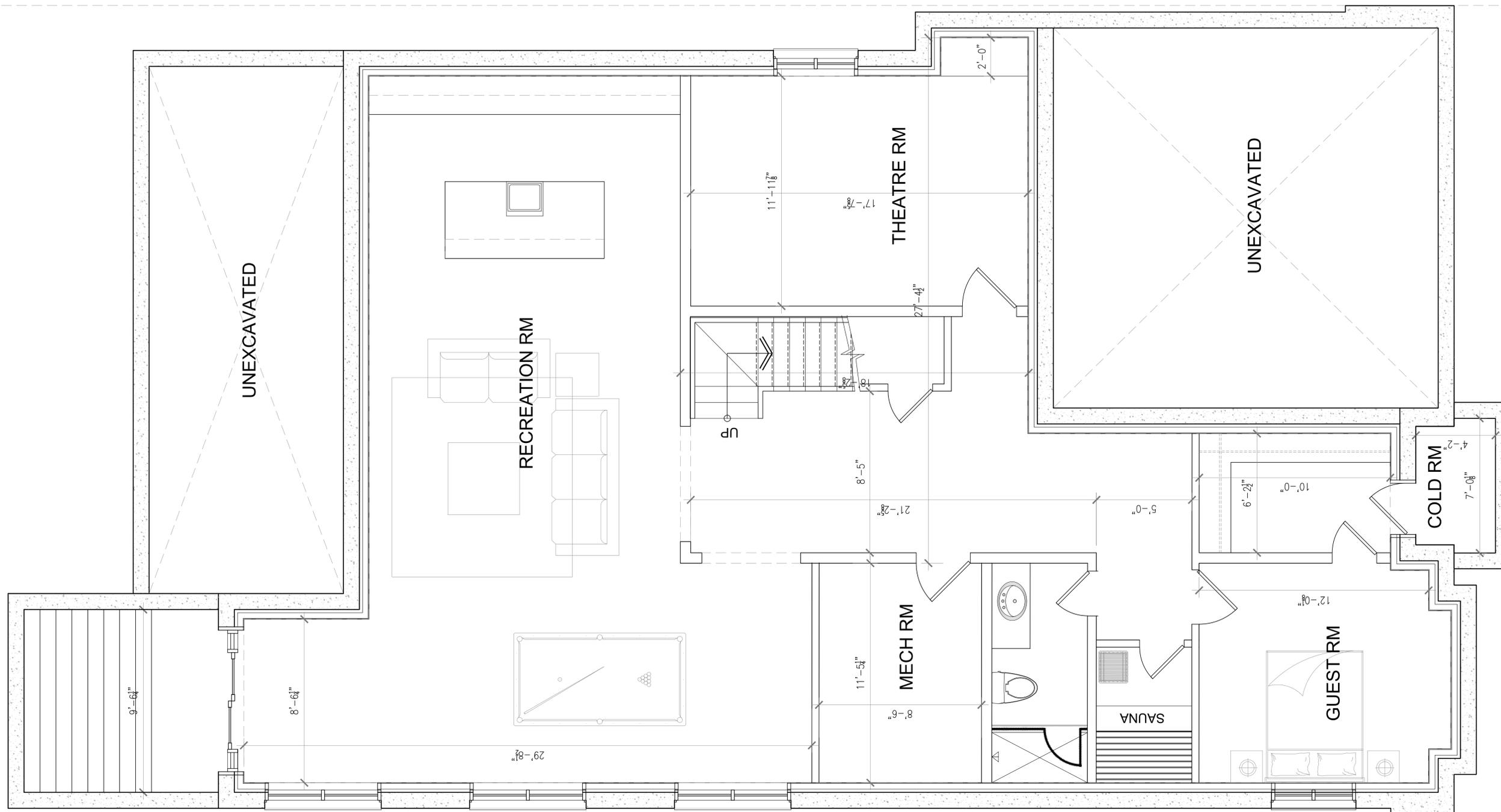
PROJECT

**KOONER  
RESIDENCE**

PROJECT

**382 BROADWAY AVE,  
MILTON,  
ONTARIO  
LGJ 6R 1**

DATE	JUNE 2022	SHEET	A1
SCALE	3/8" = 1'-0"		



**BASEMENT PLAN**



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DRAWING

GROUND FLOOR PLAN

PROJECT

KOONER RESIDENCE

PROJECT

382 BROADWAY AVE,  
MILTON,  
ONTARIO  
L6J 6R1

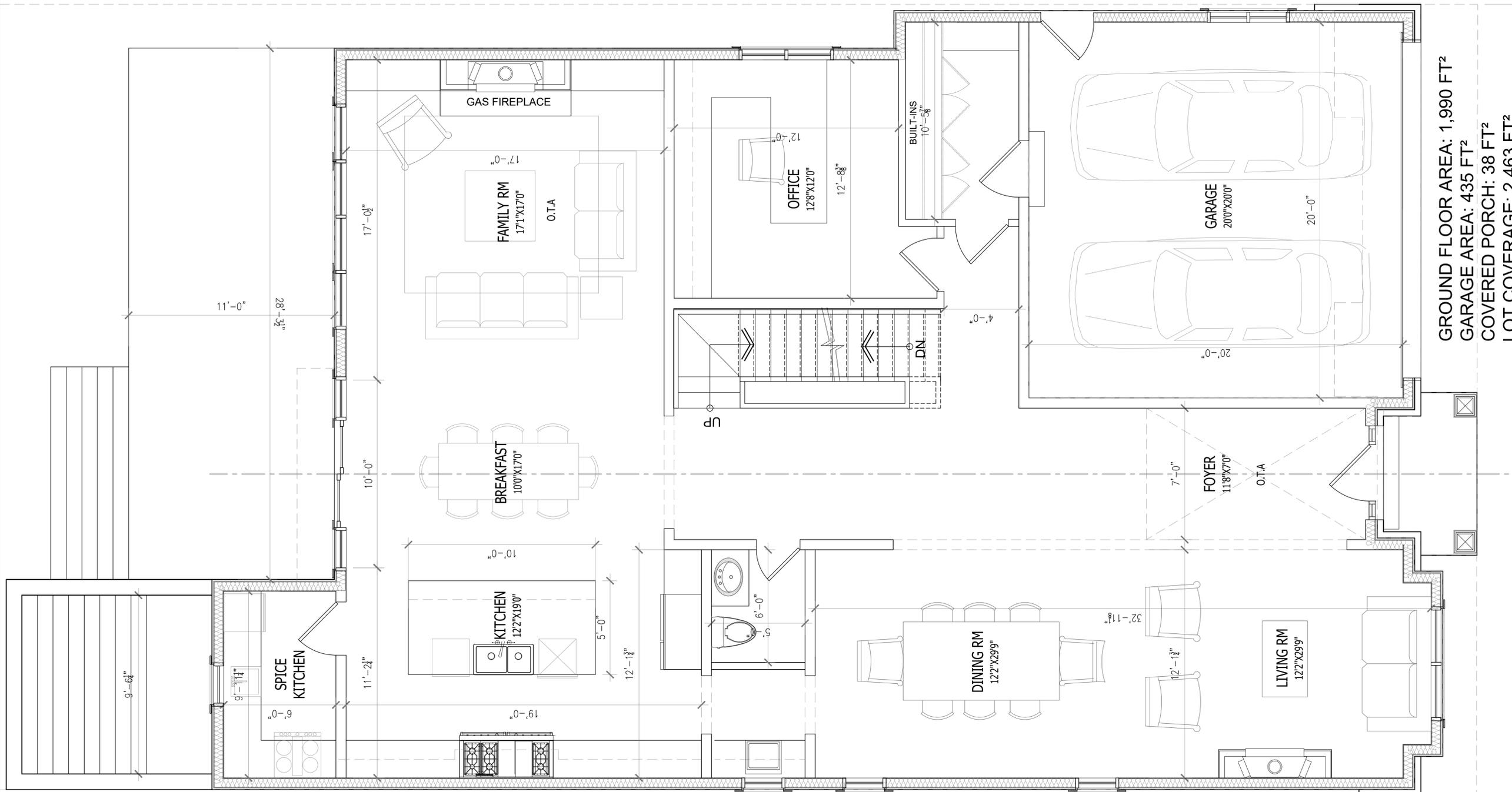
DATE JUNE 2022

SHEET

SCALE

3/8" = 1'-0"

A2



GROUND FLOOR AREA: 1,990 FT<sup>2</sup>  
 GARAGE AREA: 435 FT<sup>2</sup>  
 COVERED PORCH: 38 FT<sup>2</sup>  
 LOT COVERAGE: 2,463 FT<sup>2</sup>

GROUND FLOOR PLAN



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SIGN.	DATE	REVISION	NO.

DRAWING

SECOND FLOOR PLAN

PROJECT

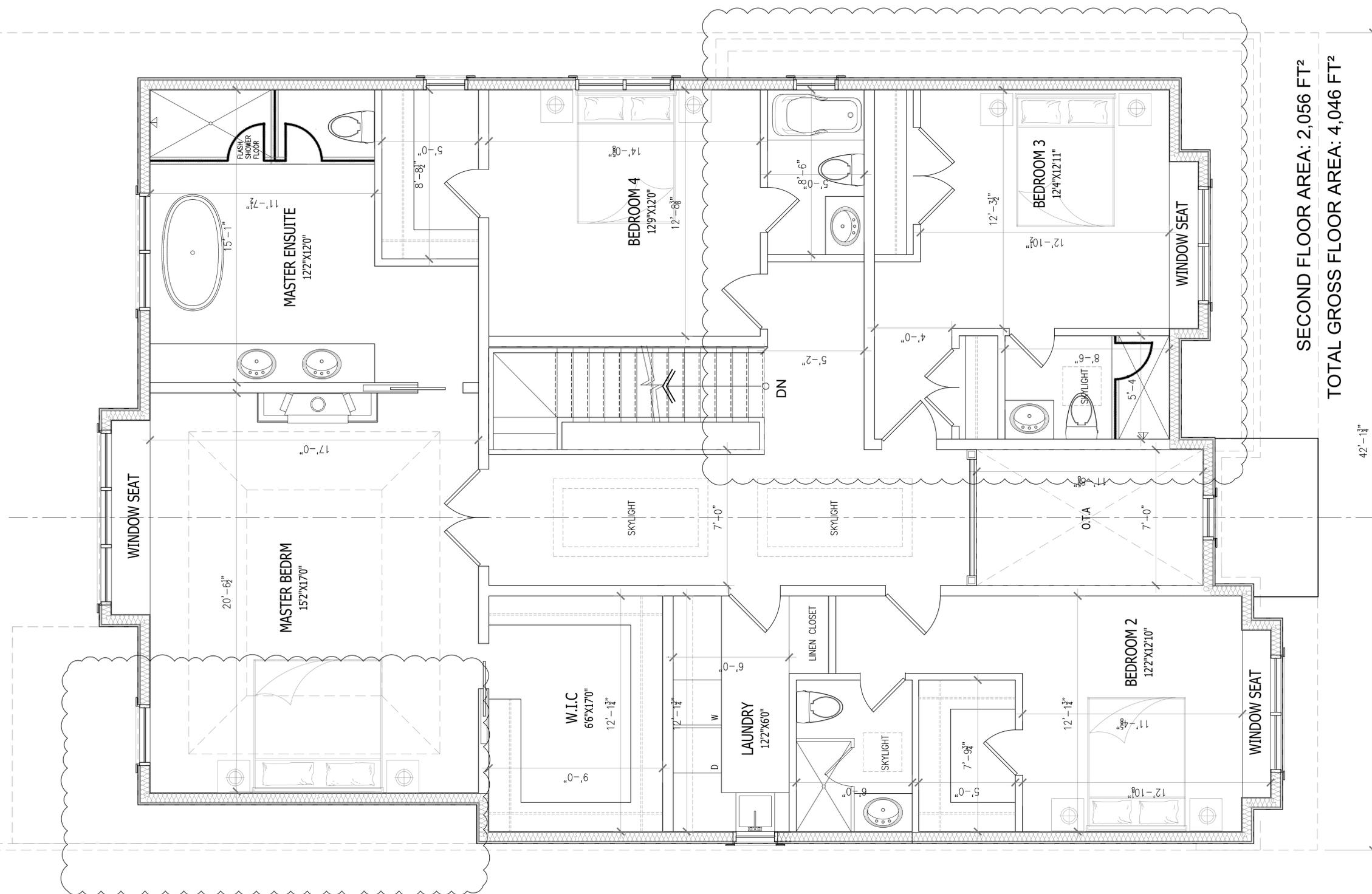
KOONER RESIDENCE

PROJECT

382 BROADWAY AVE, MILTON, ONTARIO LGJ 6R 1

DATE	JUNE 2022	SHEET	A3
SCALE	1/4" = 1'-0"		

SECOND FLOOR PLAN



SECOND FLOOR AREA: 2,056 FT<sup>2</sup>

TOTAL GROSS FLOOR AREA: 4,046 FT<sup>2</sup>

42'-1 3/4"



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DRAWING

ROOF PLAN

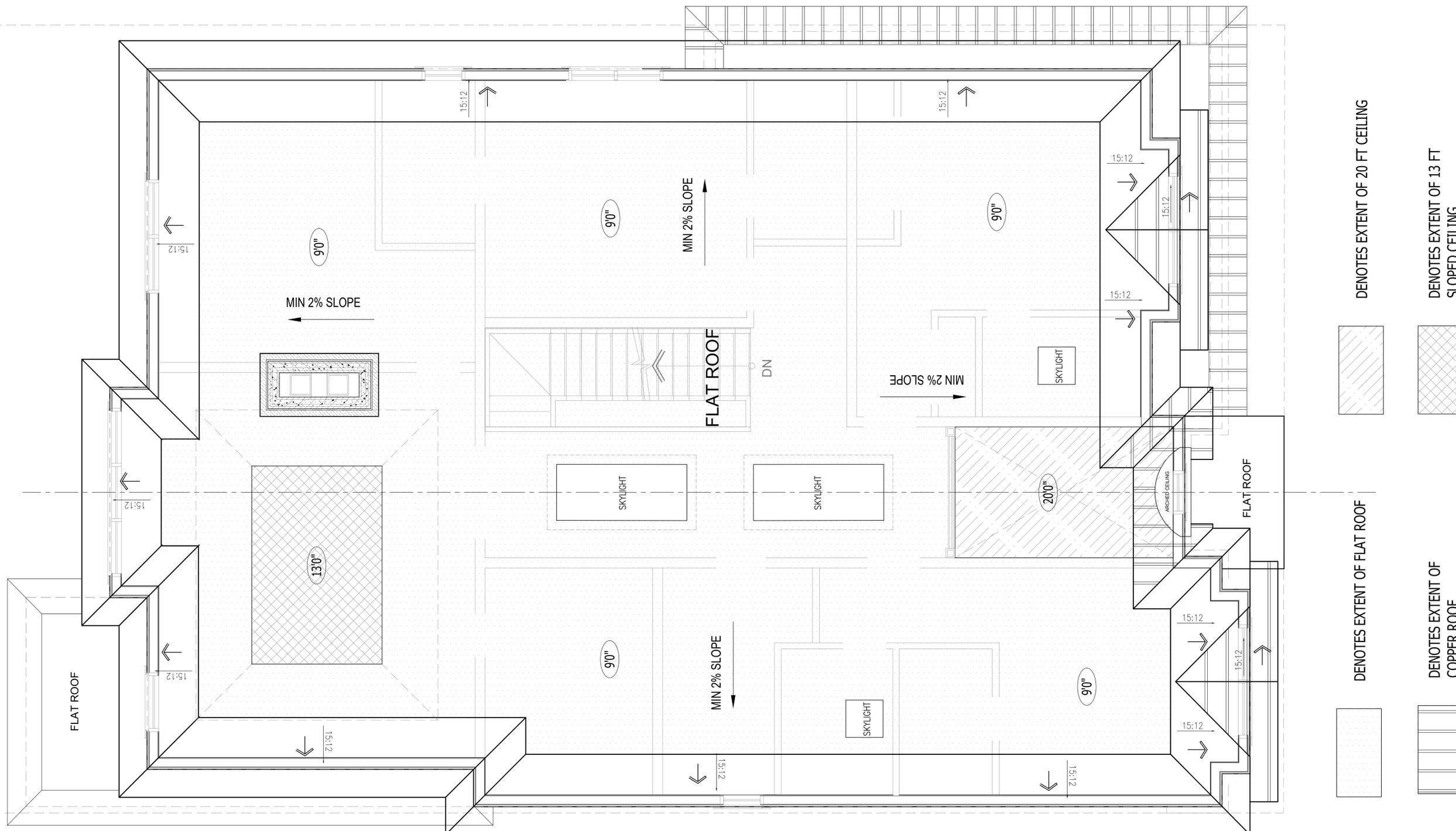
PROJECT

KOONER  
RESIDENCE

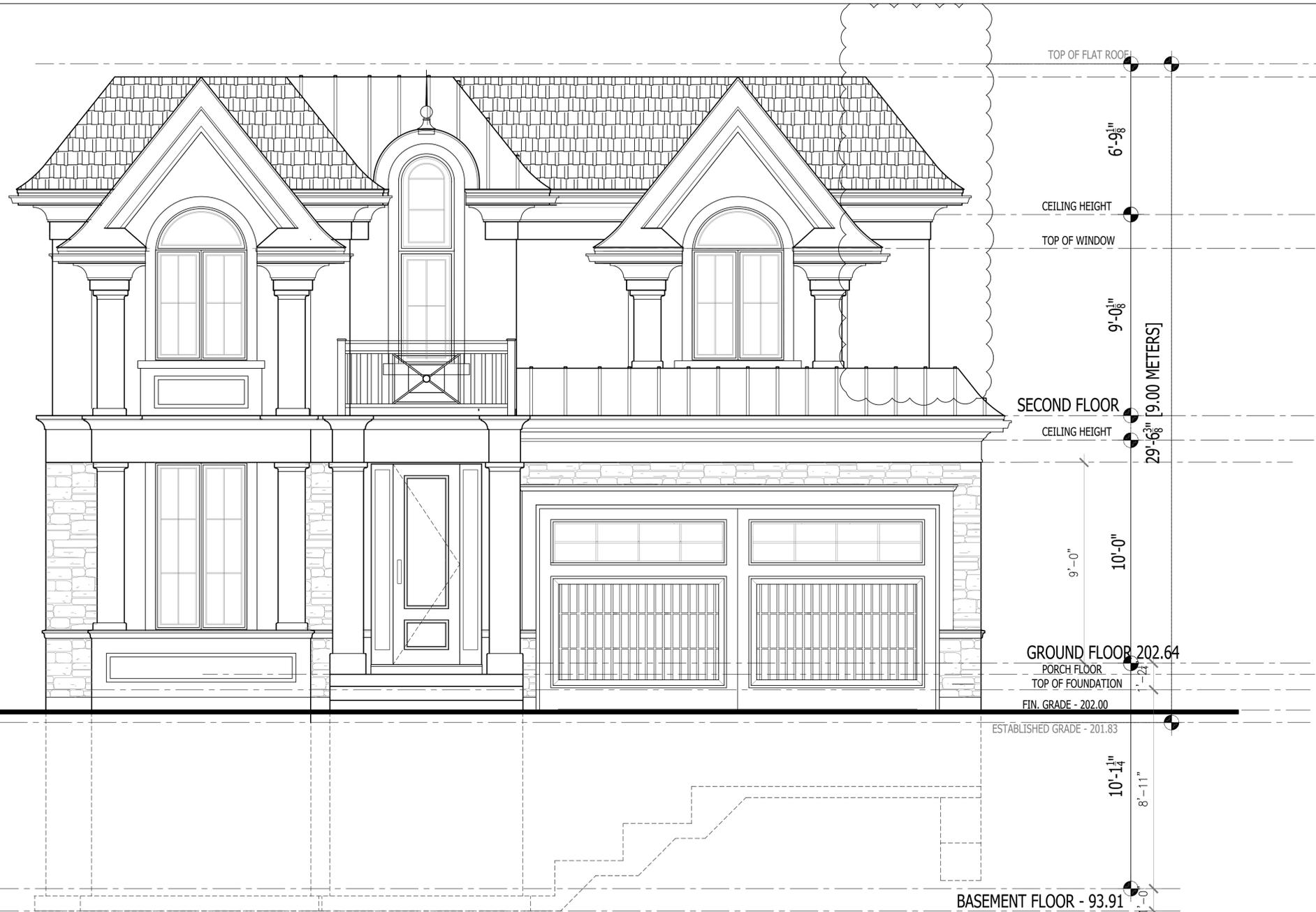
PROJECT

382 BROADWAY AVE,  
MILTON,  
ONTARIO  
L6J 6R1

DATE	JUNE 2022	SHEET	A4
SCALE	3/8" = 1'-0"		



 DENOTES EXTENT OF 20 FT CEILING  
 DENOTES EXTENT OF 13 FT SLOPED CEILING  
 DENOTES EXTENT OF FLAT ROOF  
 DENOTES EXTENT OF COPPER ROOF



NOTE:  
ADJUSTMENTS OR CHANGES MADE TO THE FLOOR LAYOUT ROOF TRUSS LAYOUT, BEAMS, LINTELS & POINT LOADS OR REQUIRED LOAD BEARING WALLS MUST BE IDENTIFIED PRIOR TO CONSTRUCTION AND C. H.WORLD DESIGN AND STRUCTURAL ENGINEER MUST BE NOTIFIED FOR FURTHER REVIEW AND APPROVAL.

ALL STUCCO TO BE 'DUROCK' EIFS P.U.C.C.S. EXTERIOR INSULATION AND FINISH SYSTEM CCMC 12969R APPROVED - INSTALL AS PER OBC. 9.28. AND MANUFACTURER'S SPECS OBD. - NOTE USE 'VAPOUR BLOCK' BY DUROCK FOR AIR/VAPOUR BARRIER BELOW STUCCO IN PLACE OF TYVEK OR EQUIVALENT PRODUCT SPECIFIED FOR ALL WALLS NOT CLAD IN STUCCO

WINDOW NOTE:  
ALL PROPOSED WINDOWS TO BE DOUBLE GLAZED ARGON FILLED WITH MAXIMUM U VALUE OF 1.8. WINDOW TO WALL AREA RATIO = 18%

ALL CODE REFERENCES REFER TO O.B.C 2012 DIVISION 'B'

FRONT ELEVATION



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DESIGNED BY: Ni Ni

B. C. I. N. #: 41885

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SIGN.	DATE	REVISION	NO.

DRAWING

FRONT ELEVATION

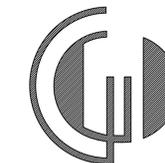
PROJECT

KOONER RESIDENCE

PROJECT

382 BROADWAY AVE,  
MILTON,  
ONTARIO  
L6J 6R1

DATE	JUNE 2022	SHEET	A5
SCALE	3/8" = 1'-0"		



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SIGN.	DATE	REVISION	NO.

DRAWING

REAR ELEVATION

PROJECT

KOONER  
RESIDENCE

PROJECT

382 BROADWAY AVE,  
MILTON,  
ONTARIO  
L6J 6R1

DATE	JUNE 2022	SHEET	A6
SCALE	3/8" = 1'-0"		



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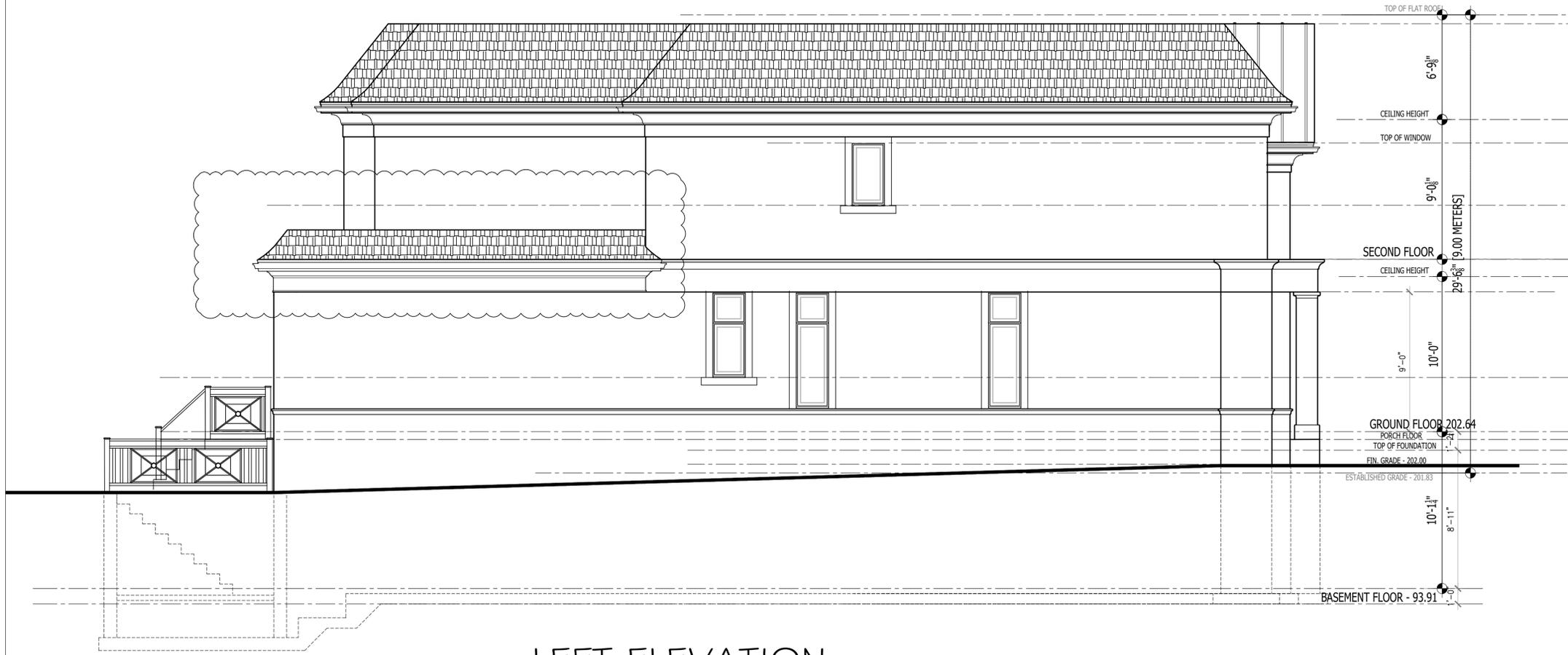
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ALL CODE REFERENCES REFER TO O.B.C 2012 DIVISION 'B'

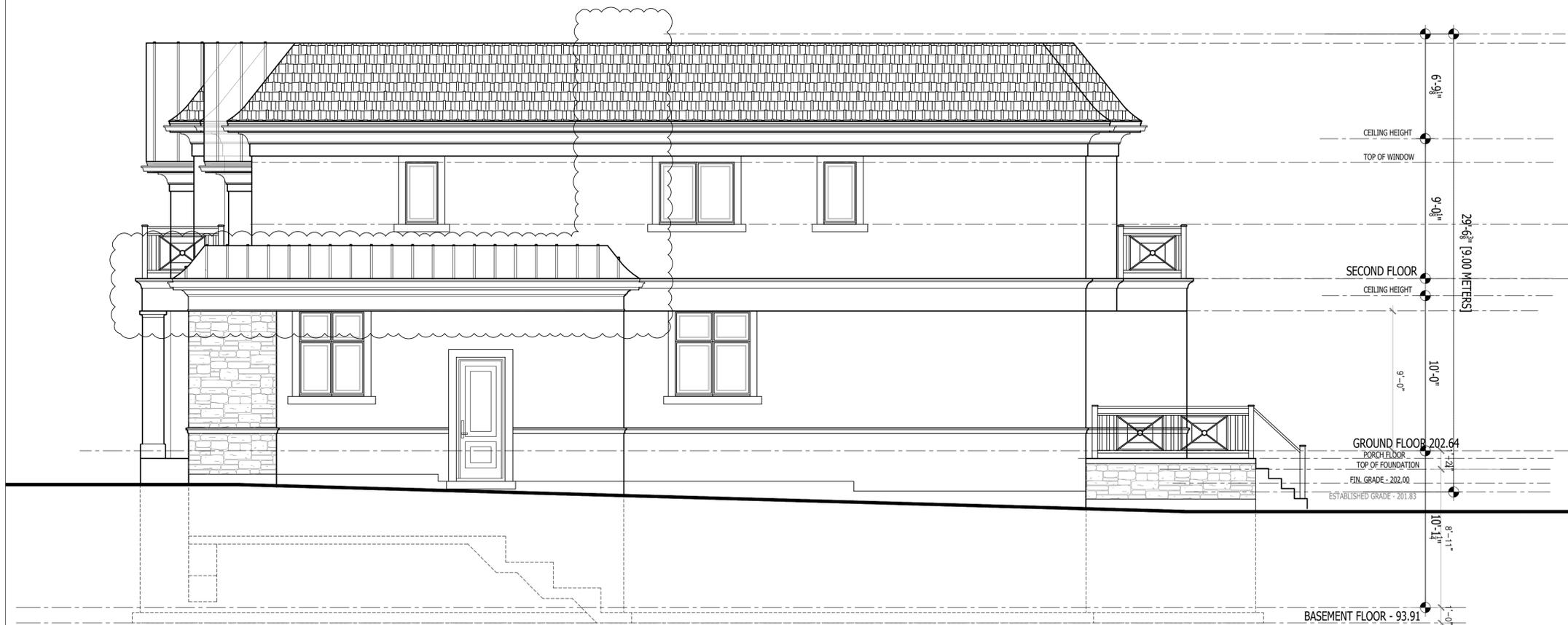
REAR ELEVATION

WINDOW SUMMARY	
PER O.B.C TABLE 9.10.15.4	
LEFT ELEVATION	
QUAN.	GLAZED OPENING SIZE
1.	27.5 SF.
1.	26.44 SF.
1.	19.76 SF.
1.	3.9 SF.
1.	2.15 SF.
SPATIAL CALCULATION	
WALL AREA	1153.75 SF.
LIMITING DISTANCE	1.2 m
MAX. % OPENING	7%
OPENING ALLOWED	80.76 SF.
OPENING PROVIDED	79.75 SF.



LEFT ELEVATION

WINDOW SUMMARY	
PER O.B.C TABLE 9.10.15.4	
LEFT ELEVATION	
QUAN.	GLAZED OPENING SIZE
1.	27.47 SF.
1.	12.46 SF.
1.	7.31 SF.
SPATIAL CALCULATION	
WALL AREA	1269.11 SF.
LIMITING DISTANCE	1.2 m
MAX. % OPENING	7%
OPENING ALLOWED	88.84 SF.
OPENING PROVIDED	47.24 SF.



RIGHT ELEVATION



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SIGN.	DATE	REVISION	NO.

DRAWING  
**ELEVATIONS**

PROJECT  
**KOONER RESIDENCE**

PROJECT  
**382 BROADWAY AVE, MILTON, ONTARIO LGJ 6R1**

DATE	JUNE 2022	SHEET	<b>A7</b>
SCALE	3/8" = 1'-0"		