



# 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-089-22

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Subject: Authorization for Submission of a Minor Variance Application on lands municipally known as 48 Bell Street, Milton

**Recommendation:** THAT Report DS-089-22 entitled “Authorization for Submission of a Minor Variance Application on lands municipally known as 48 Bell 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.

## 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 48 Bell Street has indicated their desire to submit a Minor Variance Application to seek relief from the special Residential Low Density I (RLD1) provisions in the Zoning By-law in order to facilitate the construction of an addition at the rear of the existing dwelling. The following is being requested:

1. To allow 31% lot coverage, whereas 30% is permitted.
2. To allow a rear yard setback of 1.0 metres, whereas 7.5 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 proposed addition represents a small increase in lot coverage that is not visible from the public right of way, and creates no negative impact on the character of the neighbourhood and the street.
- The proposed reduction in rear yard setback represents a continuation of the existing setback that currently accommodates the attached garage. The continuation of this reduced setback will not impact the character of the neighbourhood, nor façade. Further, existing mature tree coverage to the rear minimizes the visual impact of this reduced setback and any effect on surrounding properties.
- The façade treatment and use of materials is proposed to be the same as the existing dwelling and will retain 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, MCIP RPP  
Commissioner, Development Services



# The Corporation of the Town of Milton

Report #:  
DS-089-22  
Page 4 of 4

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

## Attachments

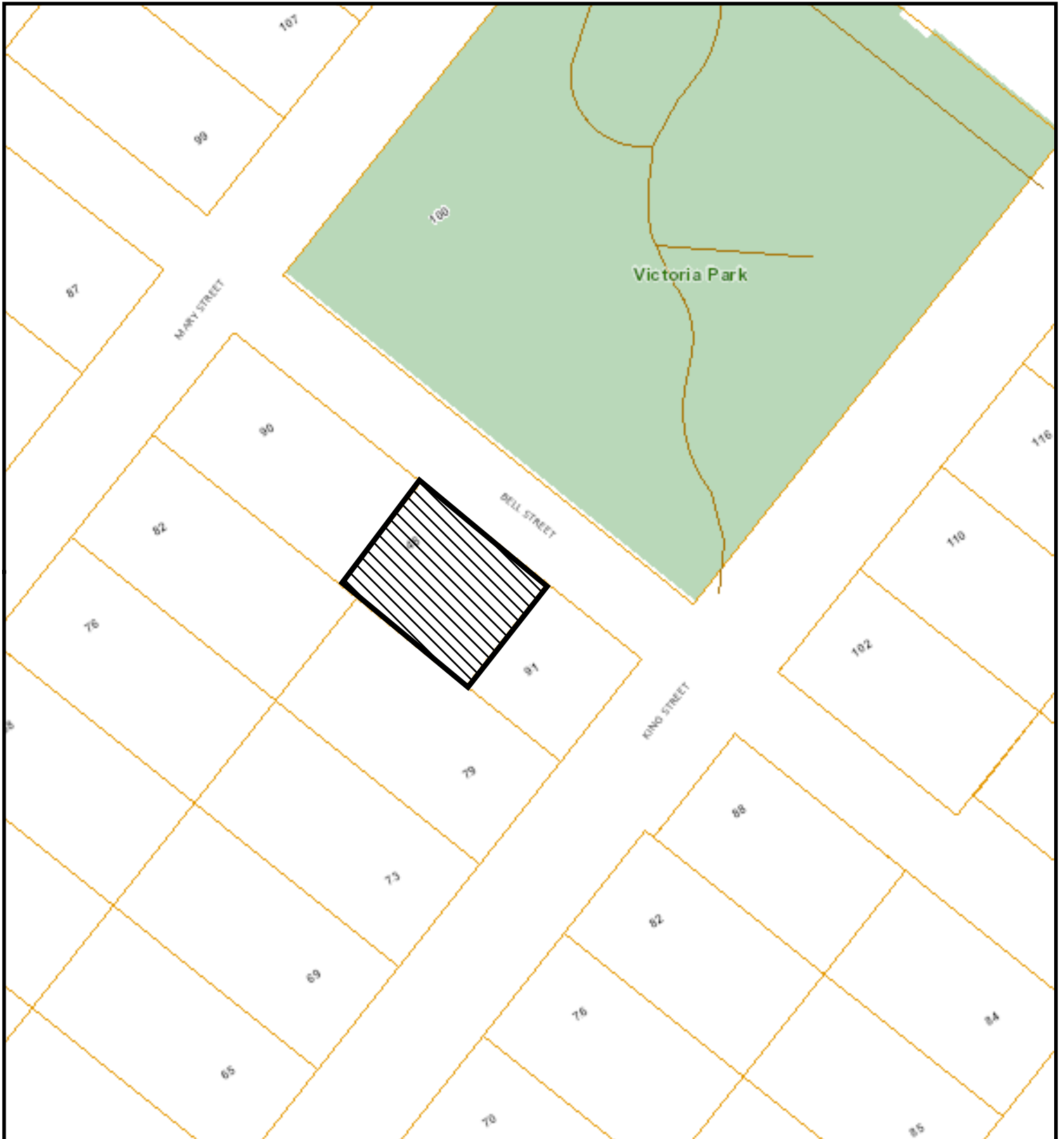
Figure 1 Location Map  
Figure 2 Drawings, Elevations and Site Plan

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	File:	Development Services
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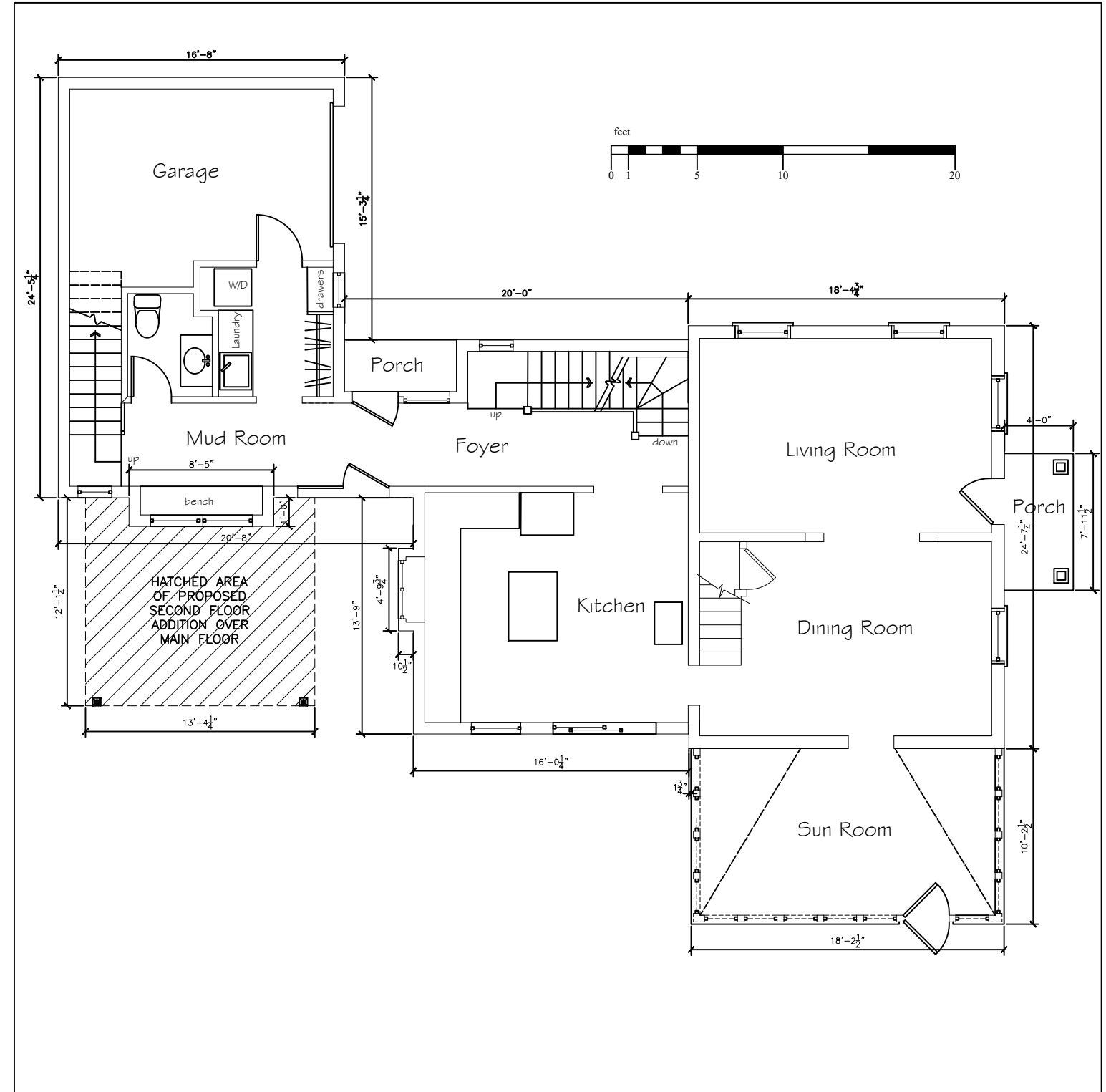
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3 Existing Back (West) Elevation  
Scale: 1/8"=1'-0"



2 Existing Front (East) Elevation  
Scale: 1/8"=1'-0"



1 Existing Main Floor Plan w/ Proposed Addition  
Scale: 1/8"=1'-0"

DO NOT SCALE DRAWINGS.  
NO WORK TO PROCEED PRIOR TO OBTAINING BUILDING PERMIT.  
CONTRACTOR WILL CHECK AND VERIFY ALL DIMENSIONS & CHECK ALL CONDITIONS ON THE JOB BEFORE PROCEEDING WITH WORK.  
ALL DISCREPANCIES TO BE REPORTED TO THE OWNER.  
ALL EXTERIOR AND INTERIOR FINISHES AND COLOURS ARE TO BE APPROVED BY THE OWNER. THESE DRAWINGS WERE PROVIDED BY THE OWNER AND PREVIOUS DESIGNER BRIAN WILLIAMS ARCHITECT.

Revised For Minor Variance	July 5/22
Revised For Minor Variance	June 29/22
Issued For Minor Variance	June 15/22
Issued/Revisions	date

Client No.	
Project No.	2212

Dwg. Title:	Ex. Main Floor Plan and East and West Elevations
scale:	As Noted
date:	May 2022
drawn by:	D.M.
Plotted:	June 2022
reviewed by:	D.M.

Project:	Rosso Residence
	48 Bell Street
	Milton, Ontario
	L9T 2A4

dwg. no.	MV-3
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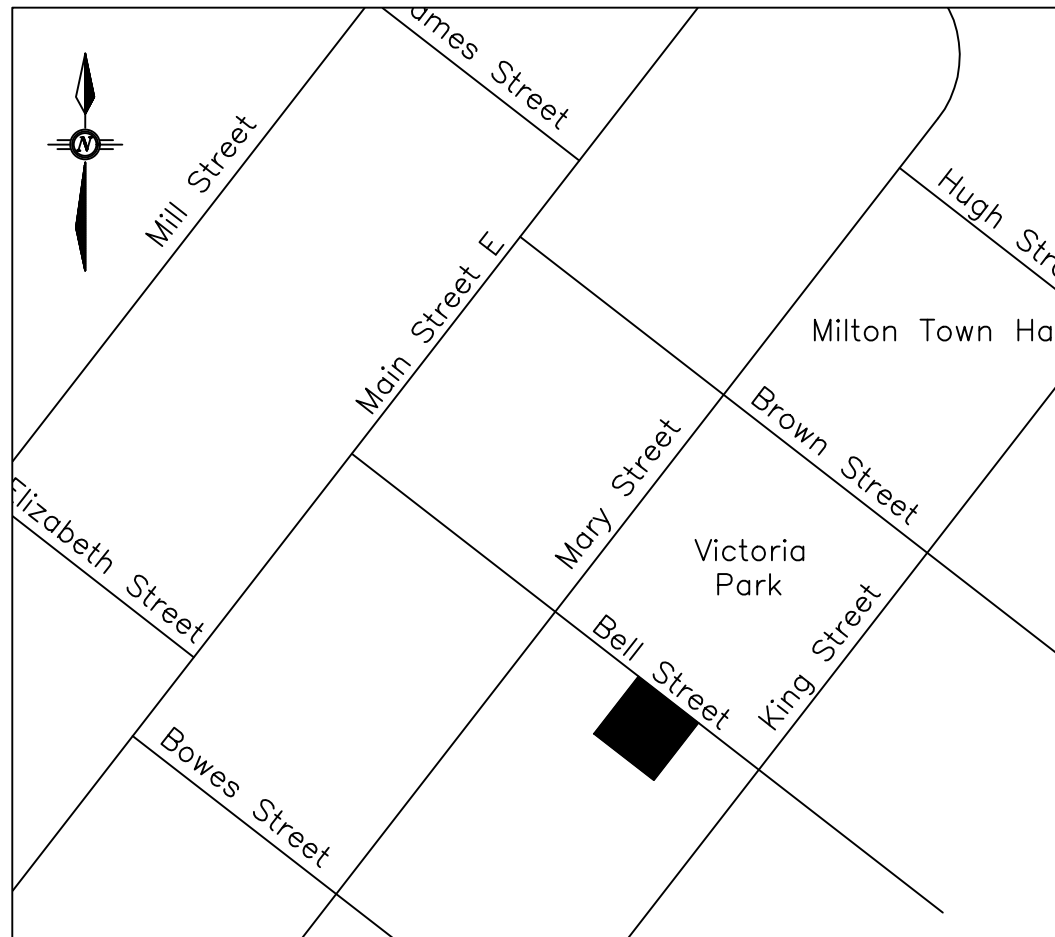
**MATTHEWS DESIGN & DRAFTING SERVICES INC.**

66 Main Street South, Georgetown, Ontario L7G 3G3 Telephone: (905) 873-7713 Email: info@yourdraftingplans.com

Copyright Matthews Design & Drafting Services (MDDS) 2011. No person may copy, reproduce, distribute or alter this plan in whole or in part without the written permission

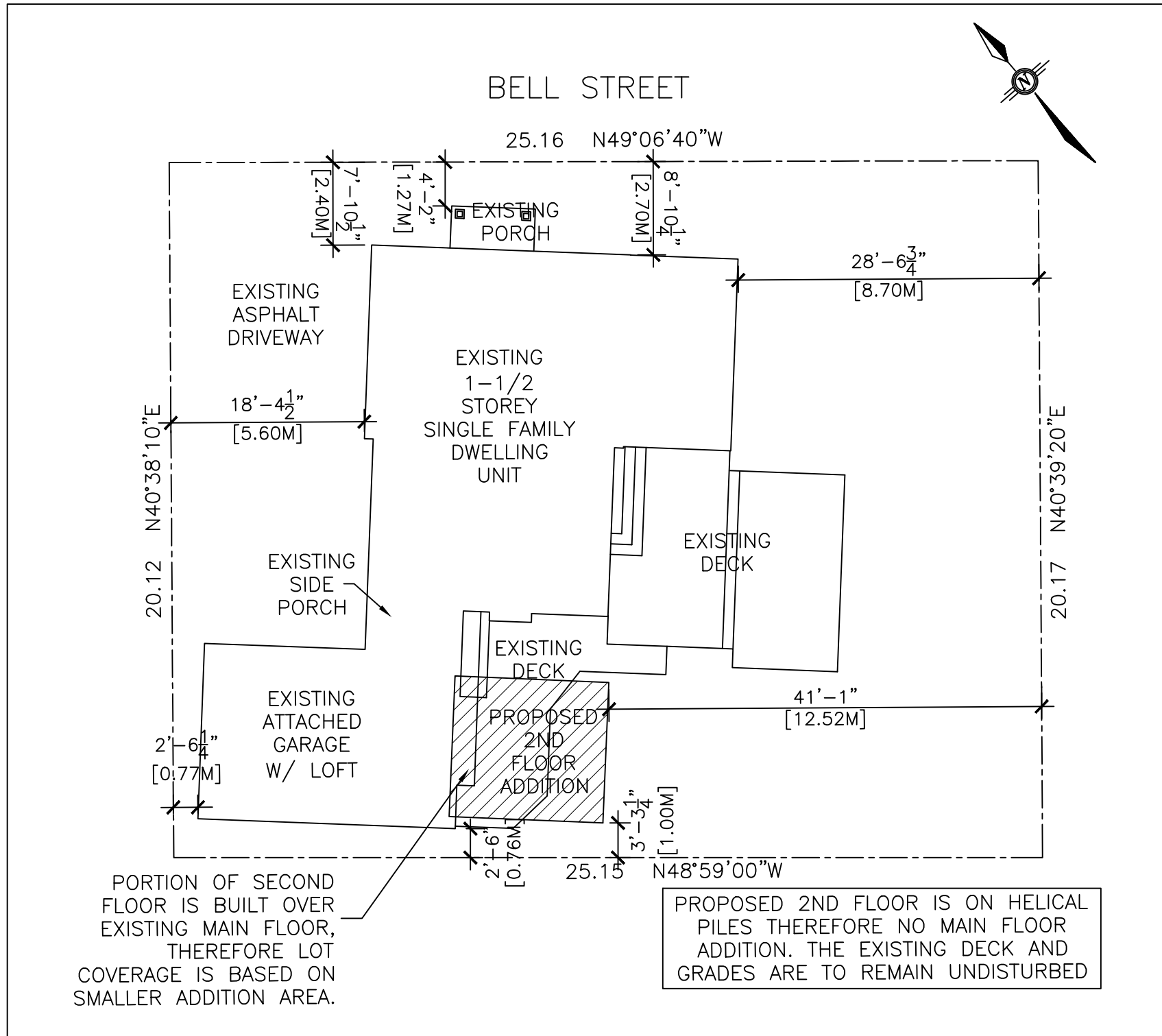
Information for this Site Plan taken from Plan provided by Owner consisting of Building Location Survey of Part of Lots 7 & 8, Block 5 Registered Plan 7, Town of Milton, Regional Municipality of Halton by Cunningham McConnell Limited Dated Jan 24, 2014

Site Area = 5452.73 sq.ft. (506.58 sq.m.)  
 Exist. House Footprint = 1466.88 sq.ft. (136.28 sq.m.)  
 Added House Footprint = 149.02 sq.ft. (13.84 sq.m.)  
 Existing Deck = 607.72 sq.ft. (56.46 sq.m.)  
 Existing Front Porch = 31.83 sq.ft. (2.96 sq.m.)  
 Existing Side Porch = 19.61 sq.ft. (1.82 sq.m.)  
 Proposed 2nd Floor Addition = 195.3 sq.ft. (18.14 sq.m.)  
 Lot coverage = 30.6% (31%)



2 Key Plan  
MV1

Scale: N.T.S.



1 Site Plan  
MV1

Scale: 1:150

PORTION OF SECOND FLOOR IS BUILT OVER EXISTING MAIN FLOOR, THEREFORE LOT COVERAGE IS BASED ON SMALLER ADDITION AREA.

PROPOSED 2ND FLOOR IS ON HELICAL PILES THEREFORE NO MAIN FLOOR ADDITION. THE EXISTING DECK AND GRADES ARE TO REMAIN UNDISTURBED

**MATTHEWS DESIGN & DRAFTING SERVICES INC.**

66 Main Street South, Georgetown, Ontario L7G 3G3 Telephone: (905) 873-7713 Email: info@yourdraftingplans.com

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Revised For Minor Variance	July 5/22
Revised For Minor Variance	June 26/22
Issued For Minor Variance	June 15/22
Issued/Revisions	date

Client No.	
Project No.	2212

Dwg. Title:	Site Plan and Key Plan
scale: As Noted	Plotted: June 2022
date: May 2022	reviewed by: D.M.
drawn by: D.M.	

Project:	Rosso Residence
	48 Bell Street
	Milton, Ontario
	L9T 2A4

dwg. no.	MV-1
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## Miranda Borris

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**Subject:** FW: Website Delegation Request - Glenn Wellings - Oakridge Horticultural Farm Nursey Inc.

**From:** [noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca) <[noreply@esolutionsgroup.ca](mailto:noreply@esolutionsgroup.ca)>

**Sent:** Tuesday, July 12, 2022 4:18 PM

**To:** [MB-townclerk@milton.ca](mailto:MB-townclerk@milton.ca) <[Townclerk@milton.ca](mailto:Townclerk@milton.ca)>

**Subject:** Website Delegation Request - Glenn Wellings - Oakridge Horticultural Farm Nursey Inc.

Hello Town Clerk's Staff,

Please note the following response to Delegate Request Application has been submitted at Tuesday July 12th 2022 4:15 PM with reference number 2022-07-12-074.

<https://forms.milton.ca/Management/Response/View/8c83ad20-55e9-4595-96a7-a220cdf28e50>

### Application Information

- **First Name:**  
Glenn
- **Last Name**  
Wellings
- **Email Address:**  
[REDACTED]
- **Phone number:**  
[REDACTED]
- **Street Address:**  
[REDACTED]
- **Town**  
Burlington
- **Postal Code:**  
L7S 1V3
- **Are you representing a group?**  
Yes
- **Group Name**  
Oakridge Horticultural Farm Nursey Inc.



- **Street Address:**  
11565 Guelph Line
- **Town**  
Milton
- **Postal Code:**  
L0P 1B0
- **Council Meeting Date**  
7/18/2022
- **Please indicate how you intend to interact with the online Council Meeting**  
Both audio and video
- **Please describe the issue you intend to present:**  
Item No. 8.5 - Oakridge Horticultural Farm (Town File No. Z-25-21).
- **Please describe specific actions you want Council to take:**  
That Town Council approve Application Z-25-21.
- **Staff Report Number (if known)**  
DS-078-22
- **Please provide your comments in support of or in opposition to the staff recommendation:**  
In support of staff recommendations in Report # DS-078-22.
- **Do you give your permission to be audio and video recorded on the Town of Milton's live Council meeting stream?**  
Yes I give my permission

[This is an automated email notification -- please do not respond]



[resolutionsNoReply -External Contact](mailto:resolutionsNoReply@city.milton.on.ca)

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[www.milton.ca](http://www.milton.ca)