



Committee of Adjustment and Consent

MINUTES

Thursday, September 24, 2020

The Committee of Adjustment and Consent for the Corporation of the Town of Milton met in regular session at 6:00 p.m. electronically via Live Streaming Video with Mark Kluge in the Chair.

I. AGENDA ANNOUNCEMENTS/AMENDMENTS

1. Public Notices for 479 Cedric Terrace and 473 Kincardine Terrace
2. Errors were noted and remailing of revised notices with the requirements of the notice period.

II. DISCLOSURE OF PECUNIARY INTEREST

None

III. REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS

Withdrawal requested and granted for the following:

- Application File: A1-20/015/M - 980 Logan

IV. MINUTES

COA-018-20 THAT Minutes of the Committee of Adjustment Meeting held on September 10, 2020 be approved.

V. ITEMS FOR CONSIDERATION

Minor Variance Applications:

1. File: D13 (A2-20/011/M) - 479 Cedric Terrace

Relief is requested from the Zoning By-law for two parking spaces on a residential driveway to accommodate a proposed accessory unit (basement apartment).

Notice of a Public Hearing was provided in accordance with the Planning Act requirements. No written comments were received prior to the Hearing.

Owner/Applicant Input:

The applicant provided a brief overview of the proposed application.

- To create two-bedroom accessory apartment in basement three (3) parking spaces are needed to accommodate the two dwelling units.
- Currently the house does not comply with the zoning by-law. 1 car can park in garage and 2 parking spaces are possible on driveway.
- Requesting 2 exterior parking spaces be permitted.

Public Input:

- None



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Committee Deliberations:

Member Kluge asked the following:

- Will parking on residential driveways be reviewed in a zoning update? We have reviewed many of these type of variances.

Staff noted:

- The Zoning By-law is in review and they consider the number and nature of variance applications they receive.

COA-019-20 **THAT** Minor Variance Application D12 (A2-20/011/M) under Section 45(1) of the *Planning Act* to the Milton Committee of Adjustment and Consent requesting permission to allow a decrease to 2.54 metres in width for two (2) required parking spaces on a residential driveway WHEREAS Section 5.6.2 i) of Zoning By-law 016-2014, as amended, states that the minimum size of a required parking space on a residential driveway shall be 2.75 metres wide by 5.5 metres in length on Lot 157, R.P. 20M-1127 and municipally identified as 479 Cedric Terrace in the Town of Milton, Regional Municipality of Halton BE APPROVED with the following conditions:

Conditions:

1. That all applicable building permits be applied for and received, prior to construction of the accessory dwelling unit.
2. That the applicant provide confirmation from the Town of Milton Development Co-ordinator, Finance that all municipal property taxes have been paid.
3. That the approval be subject of an expiry of two years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

Note:

1. *Regional development charges and educational development charges are applicable in accordance with the appropriate agency's policies and by-laws. Town development charges and other charges are applicable on any future development in accordance with Town policies and by-laws and other applicable legislation. All development charge inquiries should be directed to Cathie Boyle, Development Administrator at 905-878-7252, extension 2402.*

Reasons for the Decision:

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:



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1. The general intent and purpose of the Official Plan is maintained
2. The general intent and purpose of the Zoning By-law is maintained.
3. The variance(s) is considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variance(s) is minor.

Consideration from the Planning Report:

While the first 0.67 metres of the driveway is slightly deficient (i.e. the distance between the solid wall of the porch and the wing wall is 5.08 metres rather than 5.5 metres) this area only affects the front portion of a vehicle. The remainder of the driveway still provides sufficient room to the portion of the vehicle where access is most prevalent. The applicant has also demonstrated through photographs that medium to large sized vehicles can adequately fit in the existing space and next to a second vehicle on the driveway without compromising the intended function.

2. File: D13 (A1-20/012/M) - 8465 Mount Pleasant Way

Requesting relief from the Zoning By-law 016-2014, as amended, to permit a single unit parking rate for a proposed multi-unit building.

Notice of a Public Hearing was provided in accordance with the Planning Act requirements. No written comments were received prior to the Hearing.

Owner/Applicant Input:

The applicant provided a brief overview of the proposed application.

- To permit the minimum parking required to apply and be calculated for each individual unit for the proposed multi-unit building for a minimum of 186 parking spaces.

Public Input:

- See it as a severe reduction in the amount of parking available.
- In their experience, when variances of this nature are requested, over time the uses internal to building change and results in overflow parking on to other surrounding sites and roads.

Committee Deliberations:

Member Chandler asked the following:

- 200 parking spaces can be accommodated but they are asking for 186. Why the difference?
- Are there a breadth of permitted land uses on the site?
- Uses and specific location could impact on the parking demand.



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Member Kluge asked the following:

- Typically there are not that many employees at this type of site.
- Have there been any complaints for parking in these areas?

Member Summers asked the following:

- When the building was submitted for approval was the whole site area used to calculate the required parking? What determined the area /size of the building?
- Will there be another building beside?
- Did they use the whole parcel of land to calculate the largest building they could have on the site and then sever the triangular parcels?
- Where does loading and unloading happen? The building seems tight up to the roads. Would transportation vehicles and other vehicles be mixed in the same area?

Staff noted:

- The reviewers did consider the site area to determine the lot coverage for the building.
- The requests is based on industrial and warehouse units. If they were to change the use, the parking would be recalculated based on that use.

The Applicant noted:

- The intent was to produce rational rectangular lots for large warehouses. The original property was not rational rectangular lots. Subdivision of land left them with odd triangular shaped lots. The plan was to sever and transfer those portions to another developer for them to make up their own regular lots.
- With or without the triangular parcels the building would conform to the zoning by-law.
- The number of parking spaces requested would still allow flexibility to the tenants.
- The parking study referred to three comparable sites in the area.
- Leasing of Phase 1 has been completed and have a comparable for the usage rate. It is the lowest usage rate that they have seen in the report. Usage is going down as warehouses are becoming more automated. The trend is towards less parking.
- Loading and unloading would be on the west side.
- Parking would be on the south and east sides.

COA-020-20 **THAT** Minor Variance Application File: A1-20/012/M to the Milton Committee of Adjustment and Consent requesting permission to permit the minimum parking requirements be applied to each individual industrial or warehouse distribution building, including accessory office space for a minimum parking

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requirement of 186 parking spaces WHEREAS Section 5.8.2 ii) Table 5G of Zoning By-law 016-2014, as amended, states that for Industrial and Warehouse/Distribution uses, the minimum required parking be calculated for each individual premises (i.e. unit), including accessory office space on Block 4 and 5, R.P. 20M-1118 and 20M-1119 and municipally identified as 8465 Mount Pleasant Way in the Town of Milton, Regional Municipality of Halton BE APPROVED with the following conditions:

Conditions:

1. That Building Permits be applied for prior to the construction of the new building.
2. That the applicant provide confirmation from the Town of Milton Development Co-ordinator, Finance that all municipal property taxes have been paid.
3. That the approval be subject of an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

Notes:

1. *Regional development charges and educational development charges are applicable in accordance with the appropriate agency's policies and by-laws. Town development charges and other charges are applicable on any future development in accordance with Town policies and by-laws and other applicable legislation. All development charge inquiries should be directed to Cathie Boyle, Development Administrator at 905-878-7252, extension 2402.*
2. *The applicant is reminded that a site-specific appraisal is required for land value determination for cash-in-lieu of parkland dedication.*

Reasons for the Decision:

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

1. The general intent and purpose of the Official Plan is maintained
2. The general intent and purpose of the Zoning By-law is maintained.
3. The variance(s) is considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variance(s) is minor.

Consideration from the Planning Report:

Staff is of the opinion that the requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

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3. File: D13 (A2-20/013/M) - 11179 Guelph Line

Relief is requested from the Zoning By-law 144-2003 to permit an increase in front yard setback for a proposed garage.

Notice of a Public Hearing was provided in accordance with the Planning Act requirements. Written comment was received in support prior the Hearing.

Owner/Applicant Input:

The applicant provided a brief overview of the proposed application.

- Requesting for the front yard setback to be increased for the addition of a garage.
- Building in line with the existing structure site lines.
- Believe the request to be minor in nature.

Public Input:

- None

Committee Deliberations:

- None

COA-021-20 THAT Minor Variance Application A2-20/013/M under Section 45(1) of the *Planning Act* to the Milton Committee of Adjustment and Consent requesting permission to allow an increase in the maximum front yard setback to 80.65 metres WHEREAS Section 7.2 Table 7D of Zoning By-law 144-2003, as amended, states that the maximum permitted front yard setback is 7.5 metres on Part Lot 17, Concession municipally identified as 11179 Guelph Line in the Town of Milton, Regional Municipality of Halton BE APPROVED with the following conditions:

Conditions:

1. That a building permit be applied for and received, prior to construction of the attached garage.
2. That the applicant provide confirmation from the Town of Milton Development Co-ordinator, Finance that all municipal property taxes have been paid.
3. That the approval be subject of an expiry of two years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

Reasons for the Decision:

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It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

1. The general intent and purpose of the Official Plan is maintained
2. The general intent and purpose of the Zoning By-law is maintained.
3. The variance(s) is considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variance(s) is minor.

Consideration from the Planning Report:

Planning staff have reviewed the requested variance and offers no objection to its approval as the proposal makes efficient use of the land, will not result in overbuilding of the property, will not alter the view, sightlines or personal enjoyment of the subject property or any neighbouring properties, and will not be of a detrimental impact to the subject lands, the street, or the surrounding area.

4. File: D13 (A2-20/014/M) - 473 Kincardine Terrace

Relief is required from the Zoning By-law 016-2014, as amended, to allow for lot coverage and rear yard setback reductions for a proposed addition.

Notice of a Public Hearing was provided in accordance with the Planning Act requirements. No written comments were received prior to the Hearing.

Owner/Applicant Input:

The applicant provided a brief overview of the proposed application.

- Rear yard setback reduction and increase in lot coverage to allow a proposed small rear yard addition with some covered space.

Public Input:

- None

Committee Deliberations:

- None

The Applicant noted:

- The addition faces the side yard of the neighbor.

COA-022-20 THAT Minor Variance Application A2-20/014/M under Section 45(1) of the *Planning Act* to the Milton Committee of Adjustment and Consent requesting permission to allow:

1. A reduction in the rear yard setback to 6.2 metres WHEREAS Section 6.2 Table 6B of Zoning By-law 016-2014, as amended, states that the rear yard setback be a minimum of 7.5 metres; and

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2. An increase in lot coverage to 38.4% WHEREAS Section 13.1.1.129 ii) c) of Zoning By-law 016-2014, as amended, states that a lot have a maximum lot coverage of 30%

on Lot 61, R.P. 20M-1091 and municipally identified as 473 Kincardine Terrace in the Town of Milton, Regional Municipality of Halton BE APPROVED with the following conditions:

Conditions:

1. That a building permit application be applied for within two (2) years from the date of this decision;
2. That the addition be limited to one (1) storey in height;
3. That the portion of the addition containing the patio is unenclosed on two (2) sides; and
4. That the attached site plan form part of this decision as Schedule A, and that the addition to the single detached dwelling be substantially constructed in accordance with the Schedule A; and
5. That the applicant provide confirmation from the Town of Milton Development Co-ordinator, Finance that all municipal property taxes have been paid.

Note:

1. *Regional development charges and educational development charges are applicable in accordance with the appropriate agency's policies and by-laws. Town development charges and other charges are applicable on any future development in accordance with Town policies and by-laws and other applicable legislation. All development charge inquiries should be directed to Cathie Boyle, Development Administrator at 905-878-7252, extension 2402.*

Reasons for the Decision:

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

1. The general intent and purpose of the Official Plan is maintained
2. The general intent and purpose of the Zoning By-law is maintained.
3. The variance(s) is considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variance(s) is minor.

Consideration from the Planning Report:

The addition will not negatively impact the adjacent neighbourhood, it will not negatively impact the existing rear yard amenity space, and it will not have a large visual impact on the neighbourhood. Engineering staff have reviewed the proposed lot

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coverage increase and have confirmed that there are no concerns from a stormwater management perspective.

5. File: D13 (A2-20/016/M) - 11525 Britannia Road

Relief is required from the Zoning By-law for interior and rear yard setbacks for the proposed reconstruction of a garage.

Notice of a Public Hearing was provided in accordance with the Planning Act requirements. No written comments were received prior to the Hearing.

Owner/Applicant Input:

The applicant provided a brief overview of the proposed application.

- Would like to apply for permit to rebuild an existing deteriorating garage. The foundation was already constructed prior to his purchase of the property. Would have no impact on the neighbours and believe it is minor in nature.

Public Input:

- None

Committee Deliberations:

Member Kluge asked the following:

- Noticed that in the conditions there was a letter of undertaking the removal of cube vans. On his site visit today he noticed some cube vans. Are these the type that was referred to?
- If the letter of undertaking is supplied, would the only way they would know if they are not complying is if neighbours make a complaint? Are you satisfied that a letter of undertaking is strong enough in this case?

Member Summers asked the following:

- Is there any problem with the height of this accessory building?

Staff noted:

- The height conforms with the zoning bylaw in the rural zone.
- Yes, no other enforcement usually takes place and that the undertaking will be sufficient.

COA-023-20 THAT Minor Variance Application A2-20/016/M under Section 45(1) of the *Planning Act* to the Milton Committee of Adjustment and Consent requesting permission to allow:



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1. A decrease to the rear yard setback to 1.2 metres WHEREAS Section 4.1.2.2 i) of Zoning By-law 144-2003, as amended, states that the rear yard setback be a minimum of 15.0 metres; and
2. A decrease to interior side yard setback to 1.2 metres WHEREAS Section 4.1.2.2 i) of Zoning By-law 144-2003, as amended, states that the interior side yard setback be a minimum of 3.0 metres.

on Part Lot 6, Concession 6 NS Trafalgar and municipally identified as 11525 Britannia Road in the Town of Milton, Regional Municipality of Halton BE APPROVED with the following conditions:

Conditions:

1. That all applicable building permits be applied for and received, prior to the reconstruction of the detached garage.
2. That, prior to building permit issuance for the detached garage alterations, the applicant provide a Letter of Undertaking to the Town of Milton agreeing to:
 - a. use the detached garage for purposes accessory to the residential use only; and
 - b. remove all oversized motor vehicles not in compliance with the Zoning By-law from the subject property.
3. That the applicant provide confirmation from the Town of Milton Development Co-ordinator, Finance that all municipal property taxes have been paid.
4. That the approval be subject of an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

Reasons for the Decision:

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

1. The general intent and purpose of the Official Plan is maintained
2. The general intent and purpose of the Zoning By-law is maintained.
3. The variance(s) is considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variance(s) is minor.

Consideration from the Planning Report:

Staff is of the opinion that the proposed variances, subject to the attached conditions, will not have a negative impact on the subject property nor any neighbouring properties,

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it is minor in nature, conforms to the general policies and intent of both the Official Plan and the Zoning By-law, and is appropriate for the development and use of the land.

VI. NEXT MEETING

Date: Thursday, October 8, 2020
Time: 6:00 p.m.
Location: Live Stream

VII. ADJOURNMENT

There being no further business the Chair adjourned the meeting at 7:36 p.m.

Signed by:

"Original Signed by Mark Kluge, Chair

"Original Signed by Deborah Johnson, Secretary Treasurer