



The Corporation of the Town of Milton

Report To: Council

From: Barbara Koopmans, Commissioner, Development Services

Date: March 22, 2021

Report No: DS-019-21

Subject: Authorization for Submission of a Minor Variance Application on lands municipally known as 212 Queen Street.

Recommendation: THAT Report DS-019-21 entitled “Authorization for Submission of a Minor Variance Application on lands municipally known as 212 Queen Street.” dated March 22, 2021 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 variances 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 212 Queen Street be permitted to apply to the Committee of Adjustment, as the proposed changes are 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 application for a minor variance from 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 212 Queen Street proposes to submit a Minor Variance Application to seek relief from the maximum lot coverage provision of the Residential Low Density 1 (RLD1) Zone (i.e. to allow a lot coverage of 27.9% whereas the by-law allows a maximum of 25%) to facilitate the construction of a covered porch. In addition, the Owner is seeking permission to extend the existing driveway to re-establish the connection to the existing garage. The proposed minimum width of the driveway extension is slightly less than what is required in the Zoning By-law.

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. Staff can, through a Council Report, include a recommendation for Council's consideration that applications for Minor Variance be permitted within the two year moratorium time frame.

In this instance, Staff recommends that Council authorize the Owner's application to the Committee of Adjustment for variances from the provisions of Zoning By-law 081-2020 for the following reasons:

- The proposed open-sided, covered porch is compatible with and sympathetic to the existing built form in the neighbourhood in terms of height, massing, setback, scale and architectural design and is respectful of the character of the neighbourhood;
- The addition is respectful of and consistent with the character of the heritage building;
- The maximum lot coverage provision was not revised or made more restrictive through the recent Character Area zoning by-law amendment and therefore the proposal does not contradict the purpose and intent of the new zoning provisions;
- The proposal will not negatively impact adjacent properties or the street as the proposed porch is located within the interior of the existing lot; and,
- Landscaping and fencing which currently provides screening of the built form will continue to remain.

Any Minor Variance Application submitted for the subject lands is subject to the standard technical 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,

Barbara Koopmans, MPA, MCIP, RPP, CMO
Commissioner, Development Services

For questions, please contact: Angela Janzen, MCIP, RPP, Phone: Ext. 2310
Development Planner



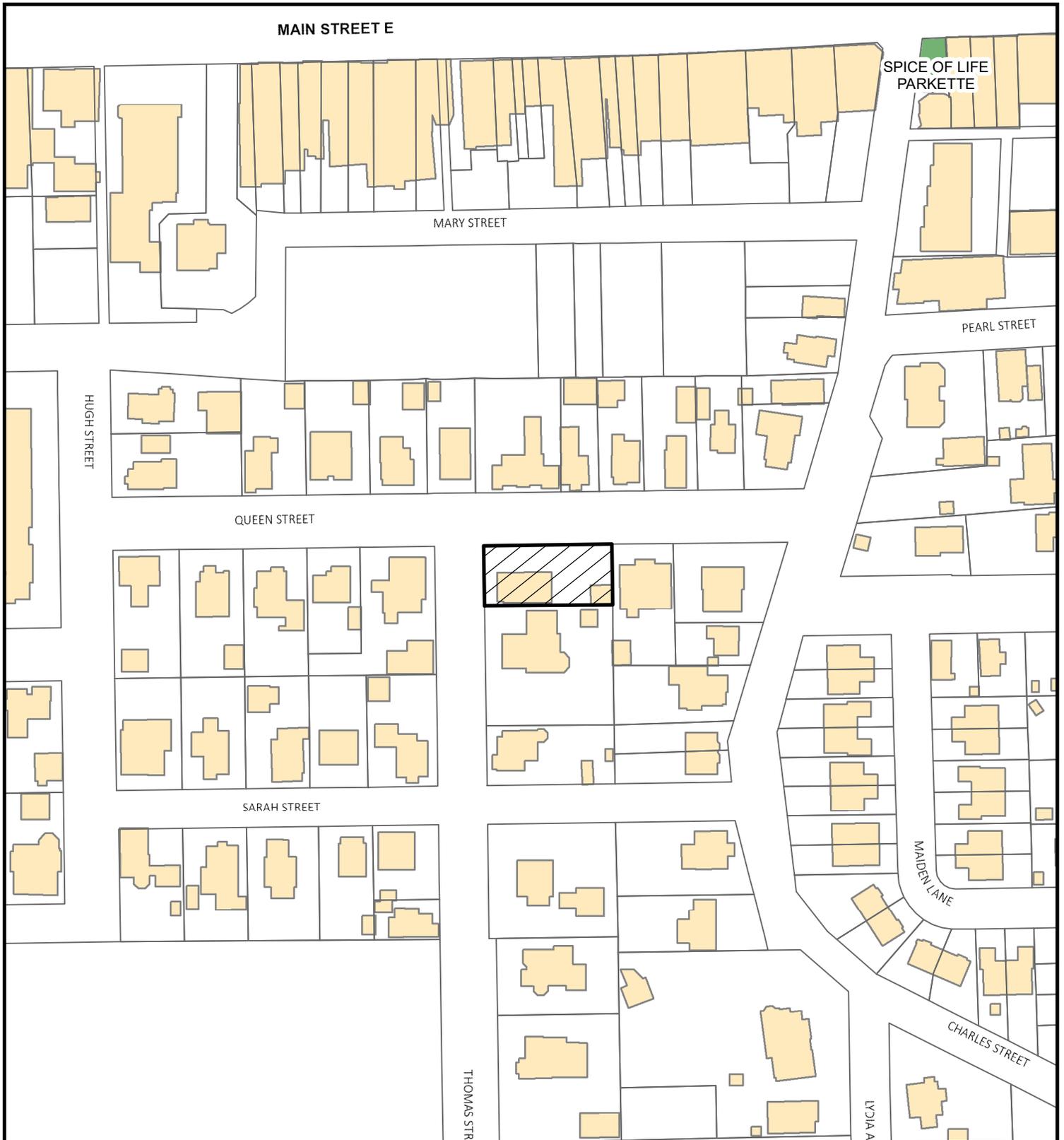
The Corporation of the Town of Milton

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Attachments
Figure 1 - Location Map Figure 2 - Minor Variance Sketch - Proposed Covered Porch

CAO Approval
Andrew M. Siltala
Chief Administrative Officer

FIGURE 1 LOCATION MAP



Council Meeting Date:
March 22, 2021

Scale: 1: 1,700

Development Services Department

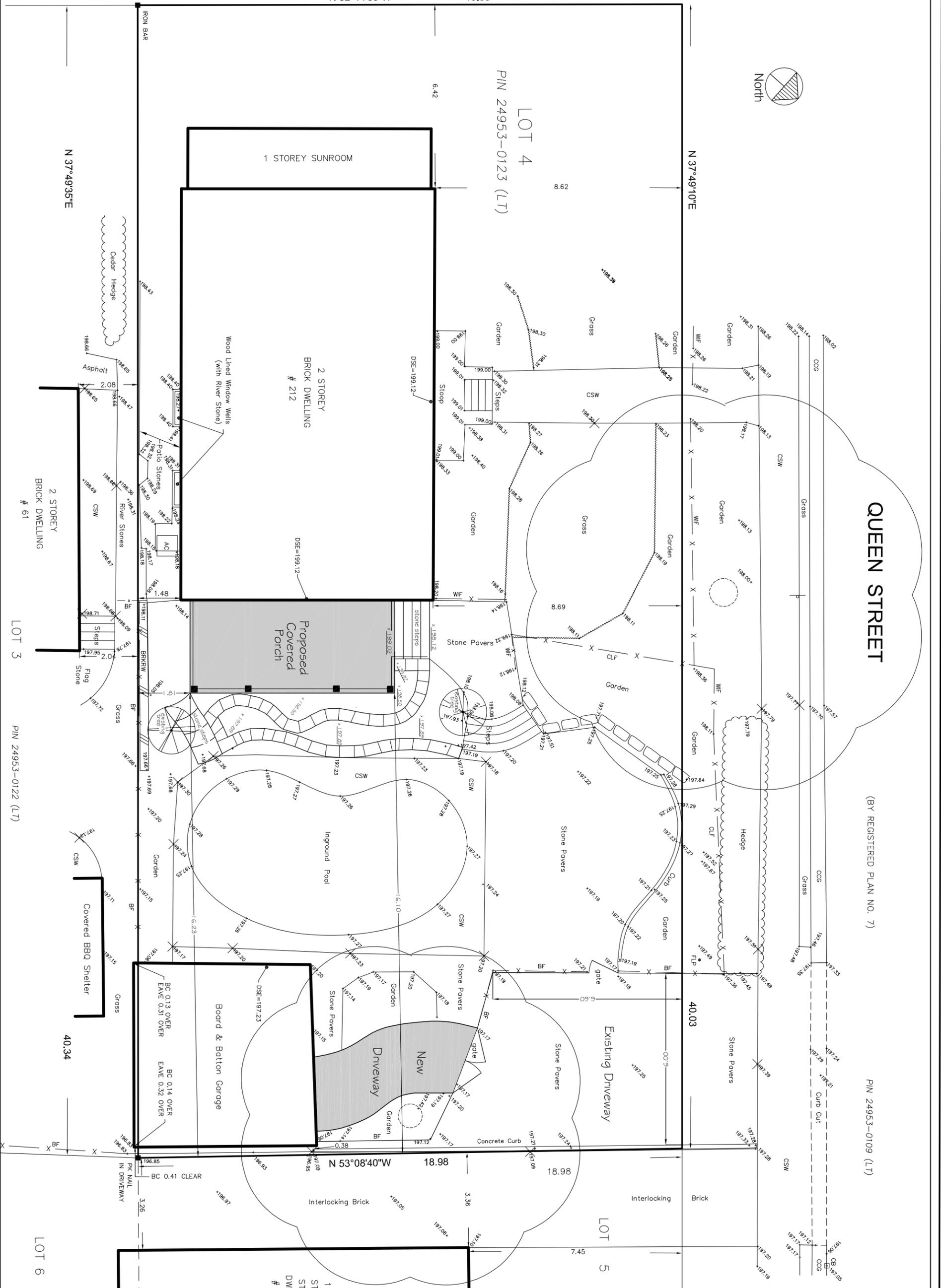


Subject Property

FIGURE 2
DS-019-21

THOMAS STREET

N 52°14'30"W 18.95



QUEEN STREET

(BY REGISTERED PLAN NO. 7)

PIN 24953-0109 (LT)

Brian Williams
176 Sarah St., Milton, Ontario L9T 1H2
telephone + fax (905) 875-3124

Date	Issued
No.	Date
	Revision

Porch Addition
Wengler Residence
212 Queen Street, Milton, Ontario

Site Plan	
December 15, 2020	A-1
Scale 1:150	

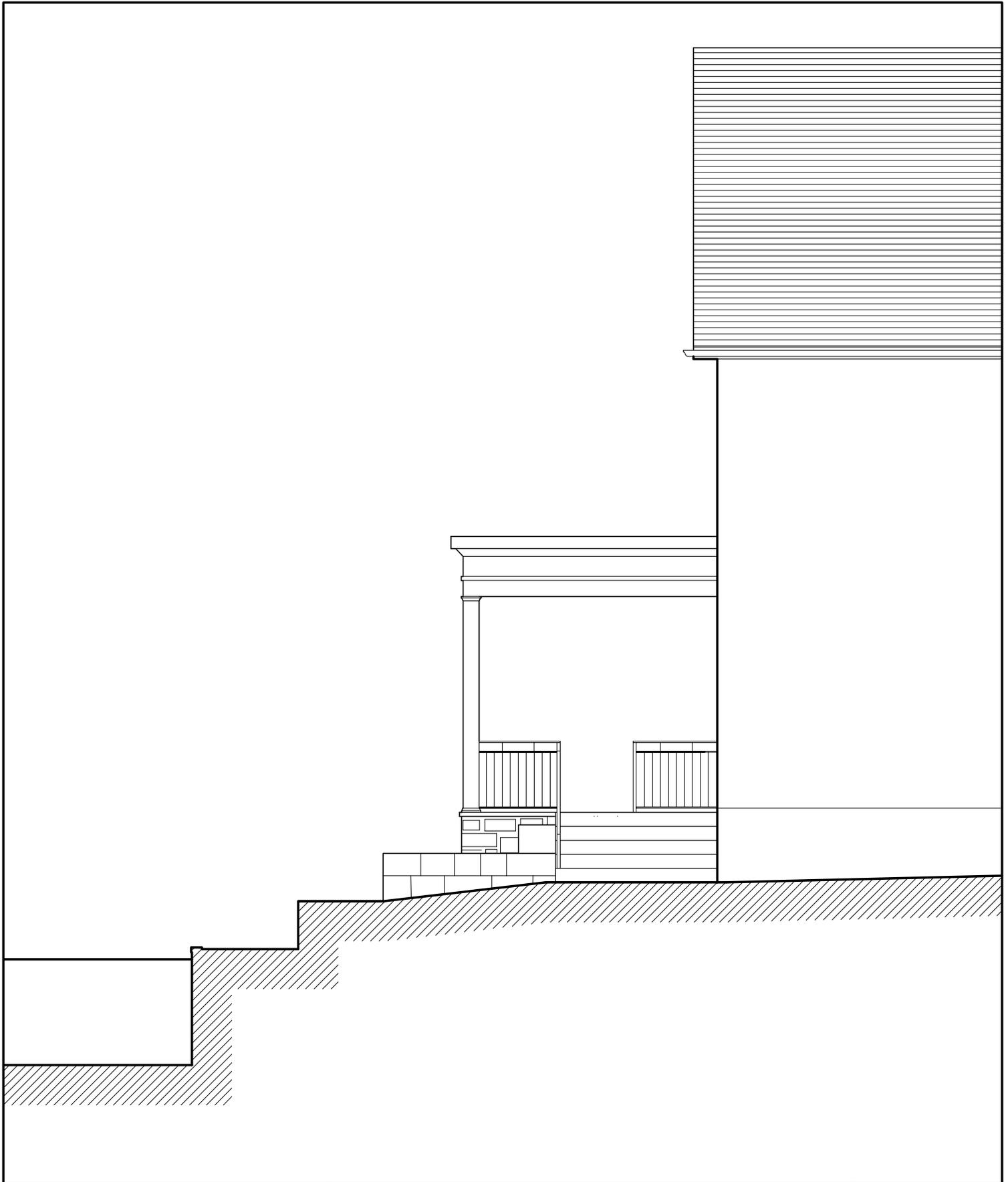


Wengler Residence
212 Queen Street, Milton

East Elevation
Scale - 3/16" = 1'-0"

SK-2

Dec. 2020



Wengler Residence
212 Queen Street, Milton

North Elevation
Scale - 3/16" = 1'-0"

SK-4

Dec 2020