

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

None

II. DISCLOSURE OF PECUNIARY INTEREST

None

III. REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS

None

IV. MINUTES

COA-015-21 THAT Minutes of the Committee of Adjustment Meeting held on Thursday, February 25, 2021 be approved.

V. ITEMS FOR CONSIDERATION

Minor Variance Applications:

1. File: D13 (A2-20/003/M) - 693 Robertson Crescent

Requesting relief from the Zoning By-law to allow a reduction in minimum internal garage length to address an as-built basement walk down. Notice of a Public Hearing was provided in accordance with the Planning Act requirements. Written comments were received prior to the Hearing.

Owner/Applicant Input:

The applicant provided a brief overview of the proposed application.

- The minor variance is to recognize an existing parking situation within a two-car garage with an as built walk down o the basement
- Allow the unobstructed length of a parking space to be varied from current zoning regulations.
- The as-built walk down was constructed prior to the Owner purchasing the property and with the absence of building permits, the Owner is trying to rectify the situation and legalize the parking space within his garage.
- Owner is considering building a secondary unit in a portion of the basement in the future. However, at this time, he is only requesting that the current situation within the garage be recognized.
- Owner feels the variance is minor in nature as it does not impact neighbours as the variance is for the parking space within the garage.

- If the Committee approves the variance, the Owner will proceed with the necessary permits for the walk down stairs that have been inspected by Town staff and structural engineers and have been deemed safe.

Public Input:

Carmella Cardillo and Barry Stockall provided written comments during the live meeting. These comments were provided to the Members. Dan Pyrah and Sharon Smith addressed the Committee with respect to this application. They oppose this application and note the following concerns:

- Unsafe stairs within the garage, built without a building permit, vehicular traffic and widening the driveway.

Committee Deliberations:

Member Chandler asked the following:

- Is the applicant looking to widen the driveway?

Member Kluge asked the following:

- Statement in the Planning Report that states that “a secondary dwelling would be permitted subject to certain criteria, even if this application was denied.” Was this the Planner’s statement to a member of the public?”
- In reviewing a photograph presented to the Committee that noted four cars in the driveway and two in the garage. In reality there is enough parking for six vehicles. Maybe not legally because of the setbacks, but six cars fit in this driveway

Member Summers asked the following:

- If the stairs are retained and the basement apartment is leased out, will the garage door be used as an entrance to the apartment?

Staff noted:

- The Town Planner noted that the applicant inherited the issue within the garage when he purchased the property. The reason he is in front of the Committee is to legalize the parking spot within the garage.
- In response to the residents’ concerns regarding the safety of the stairs, it is noted that in order to get the building permit for the stairs, the Owner needs to get the variance for the length of the parking space within the garage before he can apply for the building permit for the “as built” stairs.
- Town Planner Angela Janzen responded to Chair Kluge’s question regarding the statement. She confirmed that she spoke to two residents and this variance is only to recognize what is currently situated within the garage.
- The driveway is not being widened.
- The Town’s Chief Building Official did a visual inspection of the stairs and was satisfied they were in compliance.

- They do not want to move the stairs they want to recognize them “as built”. In order to legalize the stairs they must be recognized and legalize through this process and then apply for a building permit and legal and comply with the Building Code.
- In order for the applicant to build a basement apartment, the Owner will be required to apply for and receive a Building Permit. During that process all safety requirements will be addressed. However, this process before the Committee is to address what is current in place in the garage. The next step is to apply for and receive a building permit for the “as built” stairs within the garage.

The applicant responded the following:

- Responding to Member Summers: There is a separate entrance to the garage that was built with the home, which would be used for the walk down. The garage door would not be the access point for the basement.

COA-016-21: THAT Minor Variance Application D13 (A2-20/003/M) under Section 45(1) of the *Planning Act* to the Milton Committee of Adjustment and Consent requesting permission to allow a decrease to 6.0 metres in length of which a minimum of 5.1 metres unobstructed of a parking space within a double car garage, **WHEREAS** Section 4.2.2.1 v) of Comprehensive Zoning By-law 016-2014, as amended, states the minimum length of a parking space within a double car garage is 6 metres, of which a minimum of 5.3 metres shall be unobstructed with the exception of one stair on Lot 653, Plan M195, municipally known as 693 Robertson Crescent 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, to legalize the existing walk-down located within the garage.
2. 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.

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 portion of the basement labeled as 'Owner's Unit' shall not be designed or used as a separate dwelling unit. The owner is advised that cooking facilities are not permitted in that portion of the basement.*

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. Variances are considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variances are minor.

Consideration from the Planning Report:

Whether or not the applicant pursues the establishment of an accessory dwelling unit in the future, the applicant must address the existing garage dimensions to continue to use it as a garage and to satisfy the Order to Comply which requires that permits be obtained for construction that occurred without a building permit.

Given that there are no external changes to the dwelling being proposed through this variance, and the parking spaces within the garage will continue to be accessible and functional even with the existing walk-down, staff is of the opinion that the existing situation should be legalized as it has no negative impacts on the subject property, adjacent properties, or on the surrounding neighbourhood.

It is the Committee's 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.

2. File: D13 (A2-20/022/M) - 1050 Main Street East

Requesting relief from Zoning By-law to permit the retail portion of the building (main floor) to remain in freehold ownership to allow greater control over the space by the lease or owner; an additional increase to the maximum rear yard setback; and the reduction in the minimum width of the specific parking spaces.

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:

- There was a notational error in the rear yard setback in the previous minor variance application. Previous minor variance was approved for 38.0 metres. This was an error, in the drawings. The actual measurement is 40.15 metres. Therefore seeking a further 2.15 metres from the approved 38.0 metres. There are no changes to the actual drawings and the footprint remains the same.
- A number of underground parking spaces (seven in total) require a reduction in width of a parking space as defined in the Zoning By-law
- Definition of a lot. When the condo is registered the Zoning By-law will treat the residential portion different than the retail space which are under the freehold tenure. So the relief is have the lot definition include the both residential and retail

components notwithstanding the Zoning definition. There is not difference to what is built on the property

Public Input:

- None

Committee Deliberations:

Member Kluge asked the following:

- Do the residents have to be notified of the changes to the retail portion?
- Where is the visitor parking for this building and how is it accessed.

The applicant responded the following:

- The Agent noted there is a Shared Facilities Agreement in place with the condominium residents. This agreement has been approved by the Town's Legal Services.
- The visitor spaces are below grade and are accessible to the public.

COA-017-21 THAT Minor Variance Application File: A2-20/022/M under Section 45(1) of the *Planning Act* to the Milton Committee of Adjustment and Consent requesting permission to allow:

1. For the purposes of administering the Zoning By-law, the lot constitutes Part Lot 13, Concession 4, NS (Trafalgar) being Part 1 of 20R-21040., WHEREAS Section 3 of the Zoning By-law 016-2014, as amended states that the definition of a lot means a parcel or contiguous parcels of land in one ownership which is capable of being legally conveyed in accordance with the Planning Act or is described in accordance with a registered Plan of Condominium;
2. An increase in the rear yard setback to 40.15 metres WHEREAS Section 13.1.1.225 d) 7, of Zoning By-law 016-2014, as amended, requires that the maximum rear yard setback is 7.0 metres; and
3. A reduction in the minimum width of parking spaces for Visitor #1 to 2.71 metres; Visitor #2 to 2.70 metres ; Visitor #3 to 2.73 metres; Visitor #4 to 2.72 metres and Units 74, 75 and 160 to 2.71 metres WHEREAS Section 5.8 i) Table 5D of Zoning By-law 016-2014; as amended, states the minimum size required for a perpendicular parking space is 2.75 metres wide;

on Part Lot 13, Conc. 4, Part 1 20R-21040, municipally known as 1050 Main Street East in the Town of Milton, Regional Municipality of Halton be APPROVED with the following conditions:

Conditions:

1. That the applicant agree that the affected parking spaces be signed, demarcated, and reserved for "Compact Vehicle Parking Only". In order to satisfy this requirement, the applicant will provide updated Site Plan drawings showing the location and signage details, to the satisfaction of the Town of Milton.

2. That the applicant provide clearance from the Bristol PH 1A (Davies Howe Partners - Kim Beckman) and Bristol PH 1B (Milton 1B Properties Inc. - Andrew Orr) Trustees.
3. That the approval be subject of an expiry of two years from the date of decision if the conditions are not met.

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. *Any future adjustments to the gross floor area of the non-residential (retail) component will require a reassessment of the cash-in-lieu of parkland dedication fee processed through building permit #18 2702.*
3. *If a utility easement or an easement in favour of Milton Hydro exists on the property, Milton Hydro does not approve of any proposed works (fences, structures etc.) within the limits of the easement.*

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. Variance are is considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variances are minor.

Consideration from the Planning Report:

Planning staff offers no objection to the approval of the minor variance application as the proposal will not negatively affect the 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

3. File: D13 (A2-20/036/M) - 11008 First Line

Requesting relief from the Zoning By-law for to allow an increase lot coverage for a proposed dwelling.

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

Owner/Applicant Input:

The applicant provided a brief overview of the proposed application:

- Requesting an increase in lot coverage for a proposed detached dwelling.
- Increase in lot coverage is due to the new proposed 2-car garage

Public Input:

- None

Committee Deliberations:

Member Kluge asked the following:

- Can staff explain their comment with respect to the size of the house versus the size of the lot?

Staff noted:

- Town Planner noted that the comment was with respect to the fact that the lot is considered an undersized lot and is an existing lot of record. The proposed new dwelling is an average sized dwelling it's just the lot is smaller.

COA-018-21 THAT Minor Variance Application A2-20/036/M under Section 45(1) of the *Planning Act* to the Milton Committee of Adjustment and Consent requesting permission to allow an increase in maximum permitted lot coverage to 15.2% for a proposed detached dwelling, **WHEREAS** Section 6.2 Table 6H of Comprehensive Zoning By-law 144-2003, as amended, states that the maximum permitted lot coverage is 10% on Part Lot 16, Concession 1, municipally known as 11008 First 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 single-detached dwelling and septic system.
2. That the applicant extends both side yard swales to the satisfaction of Development Engineering Staff.
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.

Notes:

1. *Cash-in-lieu of parkland dedication is not applicable to the proposed replacement dwelling.*
2. *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 Development Administrator at 905-878-7252, extension 2402.*

3. *If a utility easement or an easement in favour of Milton Hydro exists on the property, Milton Hydro does not approve of any proposed works (fences, structures etc.) within the limits of the easement.*

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. Variances are considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variances are minor.

Consideration from the Planning Report:

The applicant has proposed an increase in the maximum lot coverage from 10% to 15.2%. The increased lot coverage is primarily the result of the size of the existing lot and not the size of the proposed dwelling. The proposed dwelling does not exceed the typical footprint of other dwellings in this hamlet and it does not create a negative impact on the hamlet character. Further, the subject property is in close proximity to multiple lots that are of the same size and dwellings that are similar in nature. It should be noted that all other zone provisions are met including all setbacks to all lot lines and the height of the proposed dwelling.

The Committee have reviewed the requested variance and offer no objection to its approval. The opinion is that the requested variance is minor in nature, conforms to the general intent of both the Official Plan and Zoning By-law and is desirable for the development and use of the subject property.

4. File: D13 (A2-20/046/M) - 760 Reece Court

Requesting relief from the Zoning By-law to permit an increase in permitted gross floor area for accessory structures.

Notice of a Public Hearing was provided in accordance with the Planning Act requirements. Written comments were received prior to the Hearing.

Owner/Applicant Input:

The applicant provided a brief overview of the proposed application.

- The applicant is proposing to construct an accessory structure in the rear yard.
- The original proposal was brought forward in January 2021 and deferred to review the design.
- The structure has been redesigned with respect to the Town and Committee's concern. The height variance that was requested before has now been removed.
- Applicant engaged with area residents who had concerns with their proposal.

Public Input:

- Andy Nichols, Owen Walsh, Carrie Wright and Sophia Leon addressed the Committee in support of the application.

Committee Deliberations:

- Member Robinson thanked the applicant for the efforts that they made with their application.

COA-019-21: THAT Minor Variance Application File: A2-20/046/M to under Section 45(1) of the *Planning Act*-the Milton Committee of Adjustment and Consent requesting permission to allow an increase in permitted gross floor area to 22.6 square meters for accessory structures on the lot **WHEREAS** Section 4.2.1 Table 4A of Comprehensive Zoning By-law 016-2014, as amended, states the total permitted gross floor area for all accessory buildings and structures on the lot is 10 square metres on Lot 87, Plan 20M-1018, municipally known as 760 Reece Court in the Town of Milton, Regional Municipality of Halton **BE APPROVED** with the following conditions:

CONDITIONS:

1. That the applicant submit a building permit application within two years from the date of this decision; and
2. That the attached grading plan form part of this decision as Schedule A and that the accessory structure be substantially constructed in accordance with Schedule A.

NOTES:

1. *The subject lands are located within an area of Archaeological Potential. However, it is acknowledged that the lands have been previously disturbed with development. While an Archaeological Assessment is not required, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately. In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.*
2. *If a utility easement or an easement in favour of Milton Hydro exists on the property, Milton Hydro does not approve of any proposed works (fences, structures etc.) within the limits of the easement. If the Milton Hydro meter is currently located within the home or garage, the owner must relocate it outside. Please contact Milton Hydro to coordinate.*

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 not maintained.
3. The variance is considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variance is minor.

Consideration from the Planning Report:

The applicant has revised the application from the previous proposal. The previous application requested an increase in the gross floor area to 26 square metres from 10 square metres and requested an increase in the maximum building height to 3.9 metres from 3.0 metres. The revised proposal now requests an increase in the gross floor area to 22.6 metres and no longer requests an increase in the building height.

Changes to the design of the accessory structure include changing the roof from a peaked roof to a flat roof to comply with the maximum building height of 3.0 metres, and removing the pool equipment storage shed (previously 3.4 square metres) to reduce the lot coverage. Cedar hedges are now also proposed around the entirety of the structure to better screen the structure from neighbouring properties. Lastly, the applicant provided a grading plan showing the downspout and river rock splash pad location to satisfy engineering's previous comments and concerns.

5. File: D13 (A2-21/008/M) - 589 Fir Court

Requesting relief from the Zoning By-law to allow a reduction in length of a required parking space on a residential driveway for an accessory apartment.

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

The applicant provided a brief overview of the proposed application.

- The applicant is proposing to construct an accessory unit in the dwelling and the required residential parking space for the basement apartment requires a variance with respect to the length of the space.
- Applicant feels that the variance is minor due to the fact that it is less than 10 inches in length that is being sought.

Public Input:

- None

Committee Deliberations:

Member Chandler asked the following:

- If approved, is the vehicular overhang of 0.24 metres (10 inches) a significant safety issue?

Member Kluge asked the following:

- If this dwelling had a double car garage with a double driveway would this be an issue?
- Is the Engineering Department not in favour of a curb cut to widen this driveway?

Member Robinson asked the following:

- Does the Town have regulations in the Zoning By-law that speaks to the width of the driveway with relation to the width of the home?

Staff noted:

- The Town Planner noted if the residence had a double car garage and driveway it would be a different situation.
- Town staff are not in favour of the curb cut.
- With respect to the overhang, if approved, staff cannot regulate the type of vehicles parked in the driveway. So for example, if a large SUV or truck were to park in the driveway and then we also look at winter conditions, with respect to snow removal and snow banks, it raises safety concerns and the types of vehicles is not something the Town can regulate in this instance.
- The Zoning By-law does not currently have a provision with respect to maximum driveway width based on the percentage of lot frontage. It is based on the actual frontage of each lot. Not an exact percentage.

COA-020-21: THAT Minor Variance Application File: A2-21/008/M to under Section 45(1) of the *Planning Act*-the Milton Committee of Adjustment and Consent requesting permission to allow a reduction in length to 5.26 metres for one (1) required parking space on a residential driveway, **WHEREAS** Section 5.6.2 i) of Comprehensive Zoning By-law 016-2014, as amended, states the minimum size of a required parking space on a residential driveway is 2.75 metres in width by 5.5 metres in length on Lot 53, Plan 20M-1209, municipally known as 589 Fir Court in the Town of Milton, Regional Municipality of Halton **BE DENIED**.

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 not maintained
2. The general intent and purpose of the Zoning By-law is not maintained.
3. Variance is not considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variance is not minor.

Consideration from the Planning Report:

The reduction in parking space size is being sought in order to permit an accessory apartment in the existing single detached dwelling. If approved, this accessory apartment could remain in perpetuity, potentially resulting in pedestrian safety concerns, parking issues and an overall negative impact to the surrounding neighbourhood in the future. Pedestrian safety is a concern as the additional parking space can be difficult to navigate, especially during winter months with snow banks. Staff are also concerned that the additional space will limit access to the main entrance of the single-detached dwelling, by having a vehicle parked immediately against the stairs, which also creates an accessibility concern, as it relates to accessing the home.

The Committee is of the opinion that the requested variance does not conform to the general intent of both the Official Plan and Zoning By-law and is not desirable for the development and use of the subject property. Planning staff are further concerned that

the proposed reduction in parking space length would have a negative impact on both the Town's right-of-way and pedestrian safety.

6. File: D13 (A2-21/009/M) - 208 McLaughlin Avenue

Requesting relief from the Zoning By-law for to allow a reduction in required rear yard setback for a proposed rear on storey addition.

Notice of a Public Hearing was provided in accordance with the Planning Act requirements. Written comments were received prior to the Hearing.

The applicant provided a brief overview of the proposed application.

- The applicant is proposing to proposing to construct a sunroom at the rear of the property.
- No impact to neighbours as we back onto the storm pond and spoke with neighbour who has no issues with my proposal

Public Input:

- None

Committee Deliberations:

- None

COA-21-21: THAT Minor Variance Application File: A2-21/009/M to under Section 45(1) of the *Planning Act* to the Milton Committee of Adjustment and Consent requesting permission to allow a decrease in rear yard setback to 5.9 metres for a proposed rear on storey addition, **WHEREAS** Section 6.2 Table 6C of Comprehensive Zoning By-law 016-2014, as amended, states the minimum required rear yard setback for a principal building is 7.0 metres on Lot 113, Plan 20M-1049, municipally known as 208 McLaughlin Avenue 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 one-storey addition.
2. That the second-storey balcony not be extended further than the rear façade of the existing dwelling, as it currently exists today.
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.

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 the Development Administrator at 905-878-7252, extension 2402.

- 2. Given the location of the proposed works in relation to the Regional Natural Heritage System (RNHS), the Region's Environmental Impact Assessment (EIA) requirements are triggered in accordance with Section 118(3.1)a). Staff would consider it appropriate to waive the Region's EIA requirements in this instance as the proposed works will be setback sufficiently from any sensitive natural features or areas and will not likely result in any impacts on the features or ecological functions of the RNHS.*
- 3. The subject lands are located within an area of Archaeological Potential. However, it is acknowledged that the lands have been previously disturbed with development. While an Archaeological Assessment is not required, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately. In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.*
- 4. If a utility easement or an easement in favour of Milton Hydro exists on the property, Milton Hydro does not approve of any proposed works (fences, structures etc.) within the limits of the easement. If the Milton Hydro meter is currently located within the home or garage, the owner must relocate it outside. Please contact Milton Hydro to coordinate.*

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 is considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variance is minor.

Consideration from the Planning Report:

It is noted that the proposed addition will not exceed the typical footprint of other dwellings in close proximity and it does not create a negative impact on surrounding character. Planning staff worked with the applicant on the proposed concept to ensure that privacy was taken into consideration for the adjacent neighbouring properties. It should be noted that all other zone provisions are met including lot coverage.

The Committee has reviewed the requested variance and offer no objection to its approval. Planning staff are of the opinion that the requested variance is minor in

nature, conforms to the general intent of both the Official Plan and Zoning By-law and is desirable for the development and use of the subject property.

7. File: D13 (A1-21/010/M) - 153, 155, 157, 159 Main Street East

Requesting relief from the Zoning By-law to allow a proposed three (3) storey addition.

Notice of a Public Hearing was provided in accordance with the Planning Act requirements. Written comments were received prior to the Hearing.

The applicant provided a brief overview of the proposed application.

- The applicant is proposing to a three-storey addition to the existing building. Variances are required for parking
- Due to the location of the property in the downtown, the additional parking is not required as there is ample parking in the area.

Public Input:

- None

Committee Deliberations:

Member Chandler asked the following:

- Is there any changes to the existing retail component?

Member Kluge asked the following:

- We are not looking at changes to the proposal just varying what is there.

Member Summers asked the following:

- This is not minor in my opinion. I believe pushing parking out into the other areas will result in a loss of parking. Each applicant should make parking available on their own sites. Should the applicant be required to apply an amendment to the Zoning By-law?

Member Slaght asked the following:

- Does the proposal require site plan approval?
- Did Engineering review the proposal?

Staff noted:

- Town Planner noted that the proposal is exempt from site plan approval and that Engineering reviewed the variances and will be involved in the building permit process.
- Town Planner noted that Transportation Planning staff reviewed this application and had no issues with respect to the parking. Given the location of the property in the downtown area we have accessible transportation within walking distance.

- Town Planner reminded the Committee that in order to meet the requirements of a Minor Variance, the four tests have to be met. If the four tests can not be met, then the applicant would have to apply for a zoning by-law amendment.

The applicant responded the following:

- The applicant noted there will be no changes to the existing retail component.

COA-22-21: THAT Minor Variance Application File: A1-21/010/M under Section 45(1) of the *Planning Act* -the Milton Committee of Adjustment and Consent requesting permission to allow:

1. A reduction to provide zero (0) additional parking spaces for three (3) proposed upper floor dwelling units **WHEREAS** Section 5.8.1 i) Table 5E of Comprehensive Zoning By-law 016-2014, as amended, requires that an additional three (3) parking spaces be provided for three (3) proposed upper floor dwelling units; and
2. That additional parking not be required for the rebuilt non-residential gross floor area proposed on the ground floor, **WHEREAS** Section 5.4 i) of Comprehensive Zoning By-law 016-2014, as amended, states where an addition is made to a building that increases the gross floor area, additional parking spaces shall be provided for the additional gross floor area as required by the by-law; and
3. A reduction to a zero (0) metres setback from parking areas to a building or structure, **WHEREAS** Section 5.12 Table 5L of Comprehensive Zoning By-law 016-2014, as amended, states a minimum 2.2 metre setback is required from a parking area to a building or structure;

on Part Lots 19, 20 Martin Survey Block 5, Plan 20R-7407, municipally known as 153, 155, 157, 159 Main Street East 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 addition.
2. That the applicant relocates the right-of-way easement at 161-163 Main Street East to ensure that 153, 155, 157 and 159 Main Street East continues to have legal access.
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.

Notes:

1. *The applicant is reminded that an updated appraisal or letter from the appraiser indicating the previous valuation has not changed is needed to process the required cash-in-lieu of parkland fee for 153 Main St E (ref. permit # 20 5979).*

- 2. 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 the Development Administrator at 905-878-7252, extension 2402.*
- 3. The subject lands are located within an area of Archaeological Potential. However, it is acknowledged that the lands have been previously disturbed with development. While an Archaeological Assessment is not required, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately. In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.*
- 4. If a utility easement or an easement in favour of Milton Hydro exists on the property, Milton Hydro does not approve of any proposed works (fences, structures etc.) within the limits of the easement.*

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 variances are considered desirable for the development of the land.
4. In the opinion of the Committee, the variances are minor.

Consideration from the Planning Report:

The Committee has reviewed the requested variances and offer no objection to its approval. Planning staff are of the opinion that the requested variances are minor in nature, conform to the general intent of both the Official Plan and Zoning By-law and is desirable for the continued development of the Town's downtown area and use of the subject property.

8. File: D13 (A2-21/011/M) - 244 Bell Street

Requesting relief from the Zoning By-law to allow a proposed residential addition. Notice of a Public Hearing was provided in accordance with the Planning Act requirements. No written comments were received prior to the Hearing.

The applicant provided a brief overview of the proposed application.

- Increase in lot coverage for the dwelling and the covered porch and the driveway width.

Public Input:

- None

Committee Deliberations:

Member Kluge asked the following:

- Is this applicant required to go through site plan?

Staff noted:

- Town Planner noted that this property is not within the Character Area and it not required to go through site plan process.

COA-23-21: THAT Minor Variance Application File: A2-21/011/M under Section 45(1) of the *Planning Act* to the Milton Committee of Adjustment and Consent requesting permission to allow to allow:

1. An increase to 29% in permitted maximum lot coverage for a proposed residential addition, **WHEREAS** Section 6.2 Table 6B(I) of Comprehensive Zoning By-law 016-2014, as amended, states the permitted maximum lot coverage is 20% for a lot having an area greater than 830 square meters; and
2. An increase to 10 metres in maximum permitted driveway width for a lot with frontage greater than 11.5 metres, **WHEREAS** Section 5.6.2 iv) d) E) of Comprehensive Zoning By-law 016-2014, as amended, states the maximum permitted driveway width for lots with frontages greater than 11.5 metres is 8.0 metres;

on Lot 81, Plan 556, municipally known as 244 Bell Street in the Town of Milton, Regional Municipality of Halton BE APPROVED with the following conditions:

Conditions:

1. That Building Permits be applied for prior and received prior to construction of the new addition.
2. 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.

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 the Development Administrator at 905-878-7252, extension 2402.*

2. *If a utility easement or an easement in favour of Milton Hydro exists on the property, Milton Hydro does not approve of any proposed works (fences, structures etc.) within the limits of the easement. If the Milton Hydro meter is currently located within the home or garage, the owner must relocate it outside. Please contact Milton Hydro to coordinate.*

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. Variances are considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variances are minor.

Consideration from the Planning Report:

The Committee has reviewed the request to increase the lot coverage and to permit a wider driveway, and offer no objection to its approval. The proposed development is appropriate for the efficient use of the land, is compatible with the surrounding area, will not result in overbuilding of the property, will not impact the personal enjoyment of the lands or any neighbouring property and will not be of detrimental impact to the lands, the street or surrounding area,

9. File: D13 (A2-21/012/M) - 2485 Campbellville Road

Requesting relief from the Zoning By-law to allow a proposed residential addition. Notice of a Public Hearing was provided in accordance with the Planning Act requirements. Written comments were received prior to the Hearing.

The applicant provided a brief overview of the proposed application:

- The applicant is proposing to construct a new dwelling on the property and is requesting a temporary mobile trailer on the property for a one year period while the house is being built.
- Their business is adjacent to their property and need to stay in close proximity of their business as they run a towing company.

Public Input:

- None

Committee Deliberations:

- None

COA-024-21: THAT Minor Variance Application File (A2-21/012/M) to the Milton Committee of Adjustment and Consent requesting permission to allow:

1. A Mobile Home Dwelling to be located on the lot temporarily while the existing dwelling is being repaired, **WHEREAS** Section 4.2 i) of Comprehensive Zoning By-

law 144-2003, as amended, states that no more than one residential building is permitted on the lot; and

2. A decrease to 6.3 metres for the minimum required interior side yard setback, **WHEREAS** Section 10.2 Table 10B of Comprehensive Zoning By-law 144-2003, as amended, states the minimum required interior side yard setback is 7.5 metres;

on Part Lot 6, Concession 3, municipally known as 2485 Campbellville Road in the Town of Milton, Regional Municipality of Halton BE APPROVED with the following conditions:

Conditions:

1. That prior to the initiation of works a Letter of Permission is obtained from Conservation Halton for the proposed development.
2. That a building permit be applied for and received, prior to re-construction of the principal single detached dwelling.
3. That a building permit be applied for and received, prior to the establishment and occupancy of the temporary mobile home dwelling to be used for human habitation, and to provide an approved sewage disposal system.
4. That any private sanitary sewage disposal system (i.e. the existing, new, or a combination thereof) intended to be used for the temporary mobile home dwelling and the existing single detached dwelling (to be reconstructed), the sanitary sewage disposal system(s) shall be identified and protected with hoarding to prevent vehicles and storage of construction materials in the area where the sanitary disposal system(s) is located, to ensure that the system(s) are protected from damage during the course of construction.
5. That if the existing private sanitary sewage disposal system is not being reused for the temporary mobile home dwelling and the reconstructed single detached dwelling, that the system be decommissioned.
6. That the Applicant enter into an agreement with the Town of Milton to ensure the removal of the second dwelling unit (temporary mobile home dwelling used for human habitation) and the provision of a performance guarantee in the amount of \$5000.00 (plus any administrative costs) to ensure completion of the removal of the dwelling unit.
7. That a demolition permit be applied for and received for the removal of the temporary mobile home dwelling used for human habitation at the appropriate time.
8. That the temporary mobile home dwelling be removed within 10 days of the granting of occupancy for the reconstructed single detached dwelling.
9. 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.

NOTES:

1. *As the mobile home dwelling is proposed to be erected on a temporary basis only, cash-in-lieu of parkland dedication obligations do not apply.*
2. *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 the Development Administrator at 905-878-7252, extension 2402.*
3. *The subject lands are located within an area of Archaeological Potential. However, it is acknowledged that the lands have been previously disturbed with development. While an Archaeological Assessment is not required, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately. In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.*
4. *If a utility easement or an easement in favour of Milton Hydro exists on the property, Milton Hydro does not approve of any proposed works (fences, structures etc.) within the limits of the easement. If the Milton Hydro meter is currently located within the home or garage, the owner must relocate it outside. Please contact Milton Hydro to coordinate.*

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. Variances are considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variances are minor.

Consideration from the Planning Report:

Due to the temporary nature of the second dwelling (mobile home) and the conditions that have been recommended, staff is of the opinion that the proposed variance will not have a negative impact on the subject property nor any neighbouring properties, 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. NEW BUSINESS

None

VII. NEXT MEETING



Date: Thursday, April 29, 2021

Time: 6:00 p.m.

Location: Live Stream

VIII. ADJOURNMENT

There being no further business the Chair adjourned the meeting at 9.00 p.m.

Mark Kluge

Chair

Deborah Johnson

Secretary-Treasurer