



The Corporation of the Town of Milton

Report To:	Council
From:	Barbara Koopmans, Commissioner, Development Services
Date:	May 3, 2021
Report No:	DS-030-21
Subject:	Exemption to the Interim Control By-law 082-2020 for 356 Kingsleigh Court, Milton.
Recommendation:	<p>THAT Report DS-030-21, dated May 3, 2021, with respect to a request for a site-specific exception to Interim Control By-law 082-2020 by the property owners of 356 Kingsleigh Court, Milton, be received;</p> <p>AND FURTHER THAT Council approve the proposed amendment to Interim Control By-law 082-2020, attached as Appendix 2, to permit a site-specific exception to By-law 082-2020 for 356 Kingsleigh Court, Milton.</p>

EXECUTIVE SUMMARY

- On October 19, 2020, Milton Council enacted Interim Control By-law 082-2020 through report DS-044-20, to restrict the level of change in the Town's mature neighbourhoods until new directions have been established through the completion of Phases 2 and 3 of the Mature Neighbourhood Character Study.
- Milton Council also approved a process for considering exceptions to Interim Control By-law 082-2020.
- The Owner of 356 Kingsleigh Court, in the Mountainview Neighbourhood, has requested an exception to Interim Control By-law 082-2020 to facilitate the construction of a two-storey dwelling to replace an existing one-storey house on the property.
- This report recommends that Council approve a site-specific exception to Interim Control By-law 082-2020, permitting the owner of 356 Kingsleigh Court to proceed with a Building Permit Application as the proposal makes efficient use of the land, and the proposed new dwelling is in keeping with the character of Kingsleigh Court.

REPORT

Background

The Town of Milton is currently experiencing increased pressure for large scale home rebuilds, which has raised public concern about the character and integrity of the Town's

Background

mature neighbourhoods. As such, the Mature Neighbourhoods Character Study was initiated in April 2018 in response to a Council direction to review Town policies and regulations relating to the construction of new dwellings and recommend appropriate changes to protect character.

The study is phased to recognize the extent of the Town's stable low-density residential neighbourhoods. Phase 1 of the Study, addressing the Downtown Character Area is now complete. Phase 2, covering Mountainview, Mountain View Survey and Martin Meadows neighbourhoods and Phase 3, reviewing the Fallingbrook, Forrest Grove, Bronte Meadows, Valley View, Mountainview and Timberlea neighbourhoods, are underway.

On October 19, 2020 Council enacted Interim Control By-law 082-2020, through report DS-044-20 to restrict the level of change in the Town's mature neighbourhoods until new directions have been established through the completion of Phases 2 and 3.

Interim Control By-law 082-2020 prohibits the erection of new single-detached, semi-detached, duplex, triplex or townhouse dwellings or additions to existing single-detached, semi-detached or duplex dwellings, resulting in greater than a 25 percent increase in gross floor area and/or increases the height of the structure beyond that which existed on the same lot within defined areas of the Town of Milton. It would restrict the level of change, pending the completion of Phases 2 and 3 of the Mature Neighbourhoods Character Study.

The Interim Control By-law is in effect until October 19, 2021, unless extended by Council for one additional year in accordance with Section 38 of the Planning Act, or repealed by Council at an earlier date.

Council also approved a process for considering exceptions to Interim Control By-law 082-2020. The process consists of a review of a proposed residential dwelling or additions within the subject area of the Interim Control By-law on a case-by-case basis, to determine their compatibility with existing neighbourhood character. Council approval is required to grant a site-specific exception to the Interim Control By-law to proceed with a Minor Variance Application under the *Planning Act*.

To request a site-specific exception to Interim Control By-law 082-2020, applicants must submit a written request to the Town's Development Services department, which includes:

- Address, lot dimensions and legal survey of the subject property;
- Photos of all four sides of the existing dwelling (front, sides and rear), as well as photos of the streetscape that depict the relationship between the existing dwelling and adjacent dwellings;
- Gross floor area of the existing dwelling;
- Gross floor area and conceptual site plan of the proposed dwelling or addition, four elevations of the proposed dwelling or addition (front, sides and rear);

Background

- Explanation of how the proposed dwelling or addition is compatible with the existing character of the neighbourhood ; and
- Applicant's contact information

Upon receipt of an exemption request, the Town notifies all abutting property owners and provide 14 days to make a written submission to the Town for staff consideration.

Staff review and provide a recommendation to Council on all requests for exceptions to the Interim Control By-law. Requests are evaluated against the following Council endorsed criteria:

- **Physical character compatibility** of the proposed dwelling or addition with the physical character of the existing neighbourhood, inclusive of height, massing, roof lines and built form;
- **Streetscape character compatibility** of the proposed dwelling or addition with the streetscape character of the existing neighbourhood, inclusive of setbacks, building projections, siting on property and relationship to adjacent dwellings; and
- **Percentage increase** of the gross floor area.

Should Council grant an exemption, the Town would notify all abutting property owners, as outlined in the *Planning Act*, any Council-approved exemption would be subject to a 60-day appeal period. The Town would only issue building permits once the appeal period has lapsed.

Discussion

On March 09, 2021, the Development Services Department received a request to exempt 356 Kingsleigh Court (Lot 52, Plan 558), in the Town of Milton from Interim Control By-law 082-2020. The subject property is located within the Mountainview neighbourhood, and is identified as a mature neighbourhood in Zoning By-law 016-2014. The property is zoned RLD (Low Density Residential). The RLD zone permits single detached dwellings including attached and detached garages. Surrounding land uses are predominantly one-storey detached bungalows built in the 1950s. At two locations in the neighbourhood, the original houses have been replaced in recent years. A location map of the subject property is attached as Figure 1.

The owner is seeking relief from Interim Control By-law 082-2020 to proceed with a building permit application to facilitate the construction of a new two-storey detached dwelling to replace the existing 117.65 square metre one-storey detached dwelling. The proposal does not require any variances.

The proposal, attached as Appendix 1 of this report, has a footprint of 173.5 square meters (1,867.5 square feet) and the following square metre and square footage distribution:

Discussion

- Main Floor: (including garage and front and rear porches): 173.5 square metres (1,867.5 square feet); and
- Second Floor: 113.2 square metres (1,218.5 square feet).

The applicant met with staff to discuss the design concept prior to submitting the exception request. In response to staff's feedback, the dwelling design was slightly modified to reduce the distance between the garage face and the dwelling main wall. The dwelling height, massing and setbacks were consistent with staff's expectations for Kingsleigh Court.

Through written submissions, neighbours expressed the following:

- Desire to retain single storey appearance;
- Potential shadow impacts on adjacent properties; and
- No exemptions should be granted until the study is complete.

The request for 356 Kingsleigh Court has been reviewed by Town staff against the Council-approved criteria noted above, and staff offer the following comments:

Zoning By-law provisions:

- The proposed new dwelling complies with the performance standards of the Zoning By-law including building height, setbacks, and landscaped open space.
- No variances are required.

Physical Character Compatibility:

- The house has been designed to have the appearance of a 1.5 storey house, which represents an appropriate transition to the adjacent one-storey homes.
- The proposal does not maximize height. The Town's zoning by-law permits a height of up to 11 metres to the mean height between the eave and ridge, whereas the height of the proposed house, measured to the roof peak, is 8.28 metres.
- The proposal addresses rear yard privacy and sunlight issues as its layout does not extend beyond the adjacent dwelling's rear wall.
- The overall massing design de-emphasizes the height of the dwelling.
- The attached garage is integrated into the massing, while the dormer above the garage minimizes the perception of the garage door.

Streetscape Character Compatibility:

- The proposed dwelling aligns with adjacent houses, which ensures a consistent street wall is maintained.

Discussion

- The siting of the proposed dwelling and the retention of the 7.5 metre front yard setback will not impact the view from the front of the adjacent dwellings.
- A complete two storey façade is only facing the rear yard with a one and a half storey being perceived from the street view.
- The neighbourhood does have mostly brick homes with the use of stucco and siding in areas. In keeping with the surrounding homes, the owners have chosen a dark red brick and cedar cladding that will blend in with the roof line.
- The front porch is an important feature and is oriented and clearly visible from the street.
- The owners are encouraged to preserve the existing landscaped pattern of front and rear yards, notably with mature trees and front lawns.

Percentage increase of the gross floor area:

- In accordance with the definition of Gross Floor Area in Interim Control By-Law 082-2020, the proposal's GFA, totaling 2,351 square feet will result in an increase of the GFA of the existing dwelling by 51%. The GFA excludes the porches, cellar, mechanical room and the garage within the building.
- The overall increase in GFA is contained within the permitted lot coverage, as the side yard setbacks and positioning of the house with respect to the street are consistent with the immediate area.
- The subject property has an area of 694.83 square metres. The proposal does not exceed the permitted coverage. The Town's Zoning By-law permits a maximum 25 percent lot coverage on lots greater than 660 square metres and less than 830 square metres, whereas the proposed dwelling has a total lot coverage of 24.97percent.

Staff is of the opinion that the resulting design would not compromise the character of the neighbourhood and represents a good transition to the adjacent one-storey homes.

As such, Town staff recommends that Council approve a site-specific exception to Interim Control By-law 082-2020 permitting the owner to proceed with a Building Permit application as the proposal makes efficient use of the land, and is in keeping with the character of the neighbourhood.

In order to grant this site-specific exception to Interim Control By-law 082-2020, Council must amend the by-law by adding a new Section (Appendix 2). As required under Section 38 of the *Planning Act*, any amendment to an Interim Control By-law is subject to a 60 day appeal period.



Financial Impact

None arising from this Report.

Respectfully submitted,

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

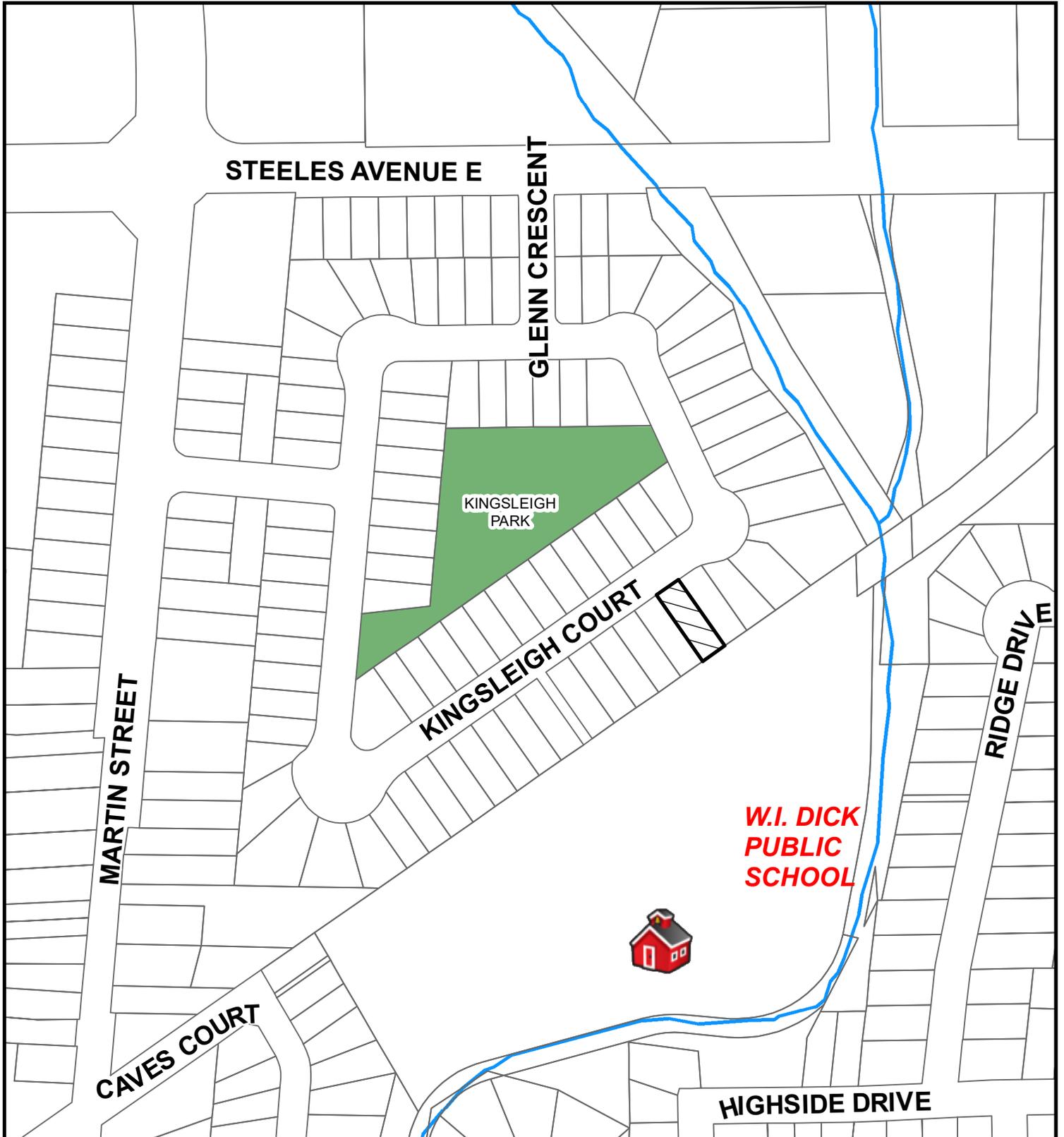
For questions, please contact: Hugo Rincon, Policy Planner Phone: Ext. 2307

Attachments

Figure 1 - Location Map
Appendix 1 - Applicant's Information Package
Appendix 2 - Proposed Interim Control By-law Amendment
Appendix 3 - Public Comments

CAO Approval
Andrew M. Siltala
Chief Administrative Officer

FIGURE 1 LOCATION MAP



Council Meeting Date:
May 3, 2021

Scale: 1: 3,000

File: ICBL-02/21

Development Services Department



Subject Property



MATTHEWS DESIGN & DRAFTING SERVICES INC.
66 Main Street South
Georgetown, Ontario
L7G 3G3

Tel: 905 873 7713
E-mail: info@yourdraftingplans.com
Website: www.yourdraftingplans.com

To: Town of Milton – Development Services Department

Re: 356 Kingsleigh Court

Owner: Tom Ingham and Kristen McGuire

Applicant: Doug Matthews, Matthews Design & Drafting Services Inc.

This letter is to request for an exemption from the ICBL for the above address.

The Legal survey and lot dimensions are attached as a separate PDF file, which show the existing property and dwelling. The gross floor area of the existing dwelling is 1,219.61 sq.ft. (113.31 sq.m.)

The following photos are showing all four sides of the existing dwelling.



Existing West Elevation



Existing North Elevation



Existing East Elevation



Existing South Elevation

The following two pictures are of the neighbours houses to the North and South



Neighbour to the North – 360 Kingsleigh Court



Neighbour to the South – 352 Kingsleigh Court

The conceptual Site Plan drawing SP-1 is attached as a separate PDF file showing the proposed dwelling and setbacks.

The proposed dwelling footprint is 1,599.95 sq.ft. (148.64 sq.m.)

The Main Floor Livable area is 1133.03 sq.ft. (105.26 sq.m.)

The Second Floor Livable area is 1218.50 sq.ft. (113.20 sq.m.)

Total Gross Floor Area is 2,351.53 sq.ft. (218.46 sq.m.)

The following are the four proposed perspective elevations.



Proposed West Elevation – Also refer to drawing SP-2



Proposed North-West Elevation – Also refer to drawing SP-3



Proposed East Elevation – Also refer to drawing SP-4

The current Lot Coverage is 16.9% which does not include the existing 1,200 sq.ft. deck and pool that take up 16% Lot Coverage of yard space. Both will be removed. The proposed Lot Coverage which includes the covered porch and covered deck is 24.9%. The Lot Coverage, also along with all the property setbacks and height of building have been thoughtfully considered, meeting all current Zoning By-laws, therefore not requiring any adjustment through a Minor Variance.

The Gross Floor area has increased, however it is mainly due to the second floor. This was also carefully considered, as the full second storey is only into the rear yard with the one and a half storey from the street view. This is also why it was so important for the location of the house to be set between the existing neighbours houses and not impact their view from the front or back.



Proposed South-East Elevation – Also refer to drawing SP-5

The following is a letter from the owner.

My wife and I are requesting an exemption for our proposed dwelling. My wife was born and raised in Milton and myself being from Burlington, this street reminds me of my parent's street where I grew up. The neighbours have been nothing but friendly and welcoming since we took possession November 4th. One of the first things they noticed and loved was the laughter of children playing in the front yard jumping in leaf piles (my children are 3 and 5) One of the first things we noticed is how the neighbours Colleen, Rob, Patty and Doug look out for each other and help each other when needed like shovelling neighbours' driveways and watering gardens. Another reason why we were so interested in this community is because of the great local schools (Martin Street Public School) where my children will attend, this means a lot to me as I am a local Milton teacher at Anne J. Macarthur Public school on Farmstead. The neighbourhood feel and the character it brings is what also drew us to Kingsleigh Court. From the early stages of planning, it has been our desire to build a home suitable to our family's needs, yet also keeping in the quaintness of our neighborhood. The materials chosen for the exterior, the windows and style of roof reflect and compliment those of the surrounding houses on Kingsleigh Court. We in no way want to stand out in a negative way and our plan is to have this as our forever home, blending into the quaintness and not standing out with any monster home. We have considered our neighbours through the design process, especially the direct neighbours to each side ensuring that our home would be built in line with their homes and not projecting in front or behind where their view would be distorted. In doing this it also leaves the open lot area and majority of trees as per the original neighbourhood. We also plan on using a local builder and local business in Milton with the construction and materials of our home because we know what impact Covid-19 has done and hurt to local business and we want to support business in Milton and to keep Milton Strong.

We appreciate your time and consideration and look forward to hearing from you.

Tom Ingham & Kristen McGuire

I would also like to thank you for your time and consideration.

Sincerely;

A handwritten signature in black ink, appearing to read 'D. Matthews', written over a horizontal line.

Doug Matthews

Matthews Design & Drafting Services Inc.

TOPOGRAPHIC SURVEY OF
LOT 52
REGISTERED PLAN 558
TOWN OF MILTON
 REGIONAL MUNICIPALITY OF HALTON
 SCALE 1:200



GRAPHIC SCALE
CUNNINGHAM McCONNELL LIMITED
 ONTARIO LAND SURVEYORS

METRIC NOTE
 ALL DISTANCES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

- LEGEND**
- DENOTES SURVEY MONUMENT FOUND
 - DENOTES SURVEY MONUMENT SET
 - SIB (NI) STANDARD IRON BAR
 - SSIB SHORT STANDARD IRON BAR
 - IB IRON BAR
 - IP IRON PIPE
 - CP CONCRETE PIN
 - NI NO IDENTIFICATION
 - (B) BURIED 0.6 BELOW GROUND
 - 950 CUNNINGHAM McCONNELL LIMITED
 - PIN PROPERTY IDENTIFIER NUMBER
 - P1 REGISTERED PLAN 558
 - P2 PLAN OF SURVEY BY COOK & DUNNING DATED AUGUST 11, 1955
 - P3 PLAN 20R-9285
 - P4 PLAN OF SURVEY BY COOK & DUNNING DATED AUGUST 29, 1955
 - CP CONCRETE PIN
 - PB PLASTIC BAR
 - ® ROUND

INTEGRATION NOTE:
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS (ORP'S) A & B BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD 83 CSRS (2010).

COORDINATES ARE UTM ZONE 17, NAD 83 CSRS (2010), TO URBAN ACCURACY PER SEC. 14 (2) OF O.R.G. 216/10, AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

ORP	NORTHING	EASTING
A	4819413.21	589740.51
B	4819212.81	589706.20

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9996806.

BEARING COMPARISONS:
 BEARINGS FROM P1, P3 SHOWN HEREON ARE ASTRONOMIC

BENCH MARK NOTE:
 ALL ELEVATIONS SHOWN HERE ON ARE GEODETIC AND HAVE BEEN DERIVED FROM GPS OBSERVATIONS BASED ON THE SOKKIA REAL TIME NETWORK GPS SYSTEM.

UTILITY NOTE:
 ALL BURIED SERVICES HAVE NOT BEEN SHOWN. ALL SERVICES INCLUDING, BUT NOT LIMITED TO, NATURAL GAS, CABLE, BELL, HYDRO, STORM AND SANITARY SEWERS MUST BE LOCATED BY THE RESPECTIVE UTILITY COMPANY PRIOR TO CONSTRUCTION OR EXCAVATION OF ANY KIND.

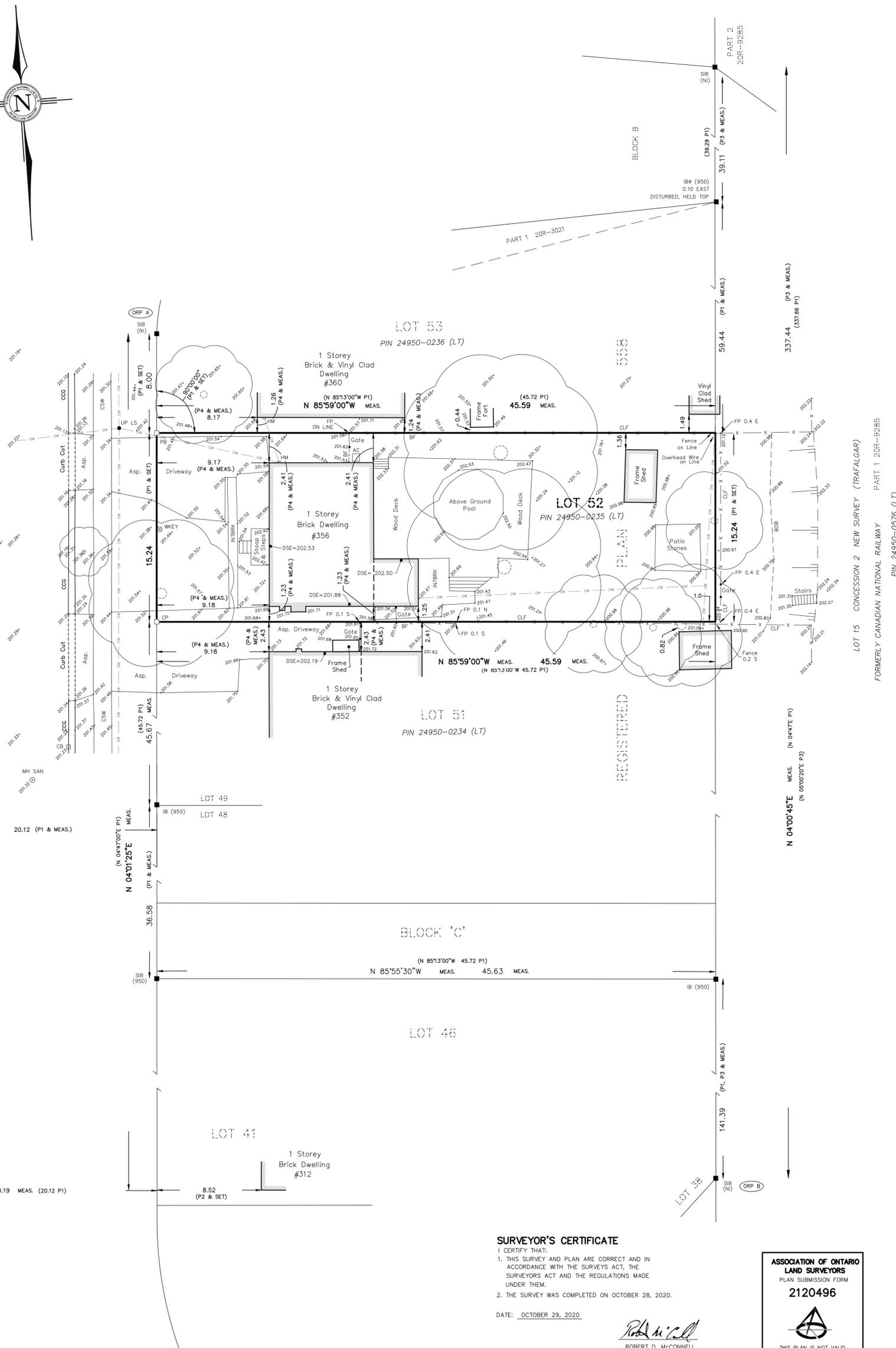
- TOPOGRAPHIC LEGEND**
- AC DENOTES AIR CONDITIONER
 - BF DENOTES BOARD FENCE
 - BBB DENOTES BOTTOM OF BANK
 - CB DENOTES CATCH BASIN
 - CCG DENOTES CONCRETE CURB & GUTTER
 - CCUT DENOTES CURB CUT
 - CLF DENOTES CHAIN LINK FENCE
 - CONC. DENOTES CONCRETE
 - CSW DENOTES CONCRETE SIDEWALK
 - DSE DENOTES DOOR SILL ELEVATION
 - FH DENOTES FIRE HYDRANT
 - HM DENOTES HYDRO METER
 - INTBRK DENOTES INTERLOCKING BRICK
 - LS DENOTES LIGHT STANDARD
 - MH DENOTES MANHOLE
 - STM DENOTES STORM
 - UP DENOTES UTILITY POLE
 - WKEY DENOTES WATER KEY OR CURB BOX
 - WV DENOTES WATER VALVE
 - DENOTES DECIDUOUS TREE
 - ✱ DENOTES CONIFEROUS TREE
 - ⊕ DENOTES SHRUB
 - |— DENOTES TOP OF BANK
 - X— DENOTES FENCE LINE
 - OW— DENOTES OVERHEAD WIRE

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CUNNINGHAM McCONNELL LIMITED
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 OAKVILLE, ONTARIO L6L 2X4
 PHONE (905) 845-3497
 FAX (905) 845-3519
 EMAIL: info@cmlsurveyors.ca



KINGSLEIGH COURT (BY REGISTERED PLAN 558)
 PIN 24950-0286 (LT)

LOT 15 CONCESSION 2 NEW SURVEY (TRAFALGAR)
 FORMERLY CANADIAN NATIONAL RAILWAY
 PIN 24950-0576 (LT)

SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON OCTOBER 28, 2020.

DATE: OCTOBER 29, 2020

Robert D. McConnell
 ROBERT D. McCONNELL
 ONTARIO LAND SURVEYOR

ASSOCIATION OF ONTARIO
 LAND SURVEYORS
 PLAN SUBMISSION FORM
2120496



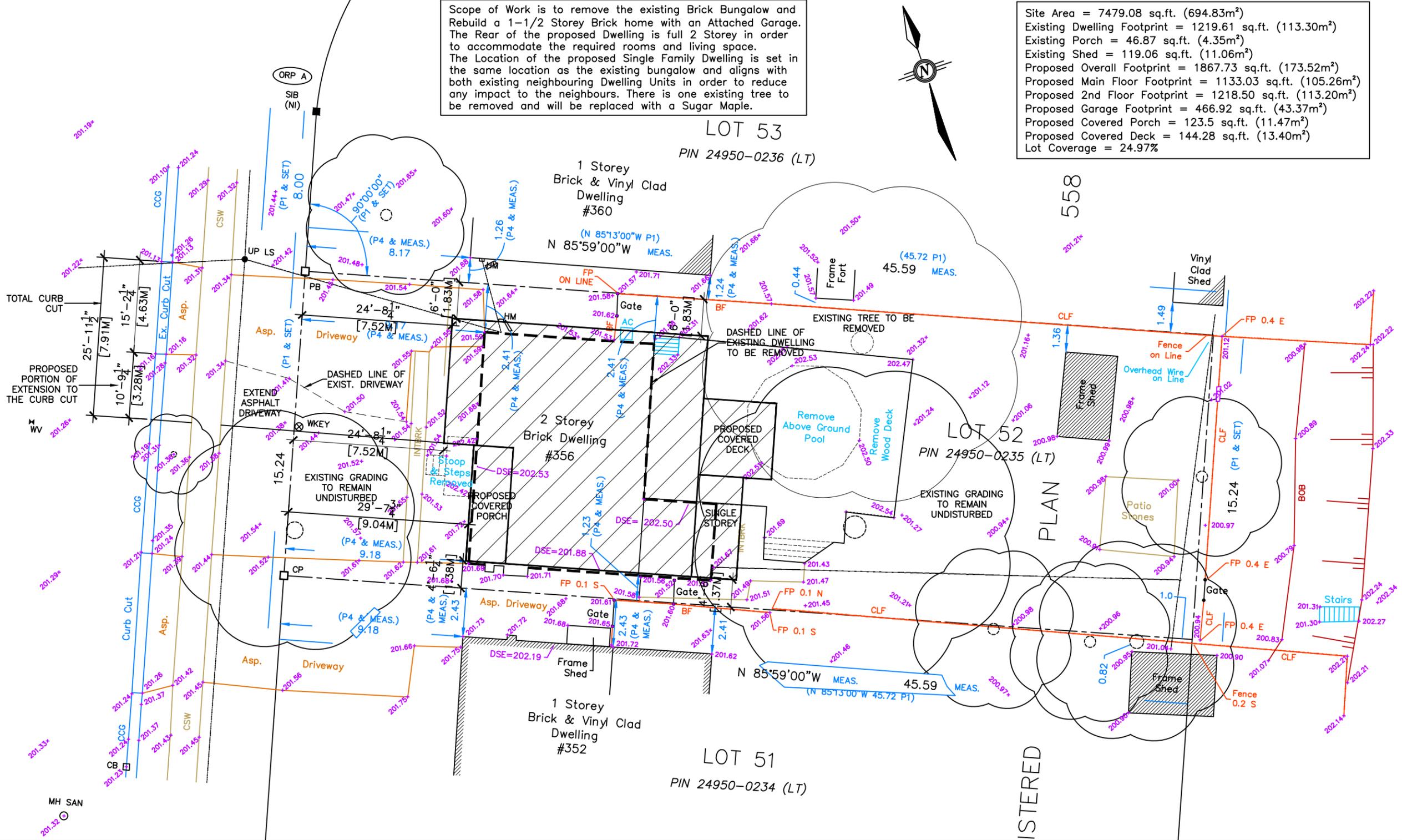
THIS PLAN IS NOT VALID UNLESS IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR

LOT 86



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558
 (BY REGISTERED PLAN 558)
 PIN 24950-0286 (LT)



LOT 15 CONCESSION 2



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

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 ALL EXTERIOR AND INTERIOR FINISHES AND COLOURS ARE TO BE APPROVED BY THE OWNER.

Revised For ICBL Approval	Mar 5/21
Revised For ICBL Approval	Feb 19/21
Issued For ICBL Approval	Feb 16/21
Issued/Revisions	date

Client No.	
Project No.	2033

Dwg. Title:	Site Plan
scale:	1:200
date:	Aug 2020
drawn by:	D.M.
Plotted:	Feb 2021
reviewed by:	D.M.

Project:	Ingham/McGuire Residence
	356 Kingsleigh Court Milton, Ontario L9T 1X7

dwg. no.	SP-1
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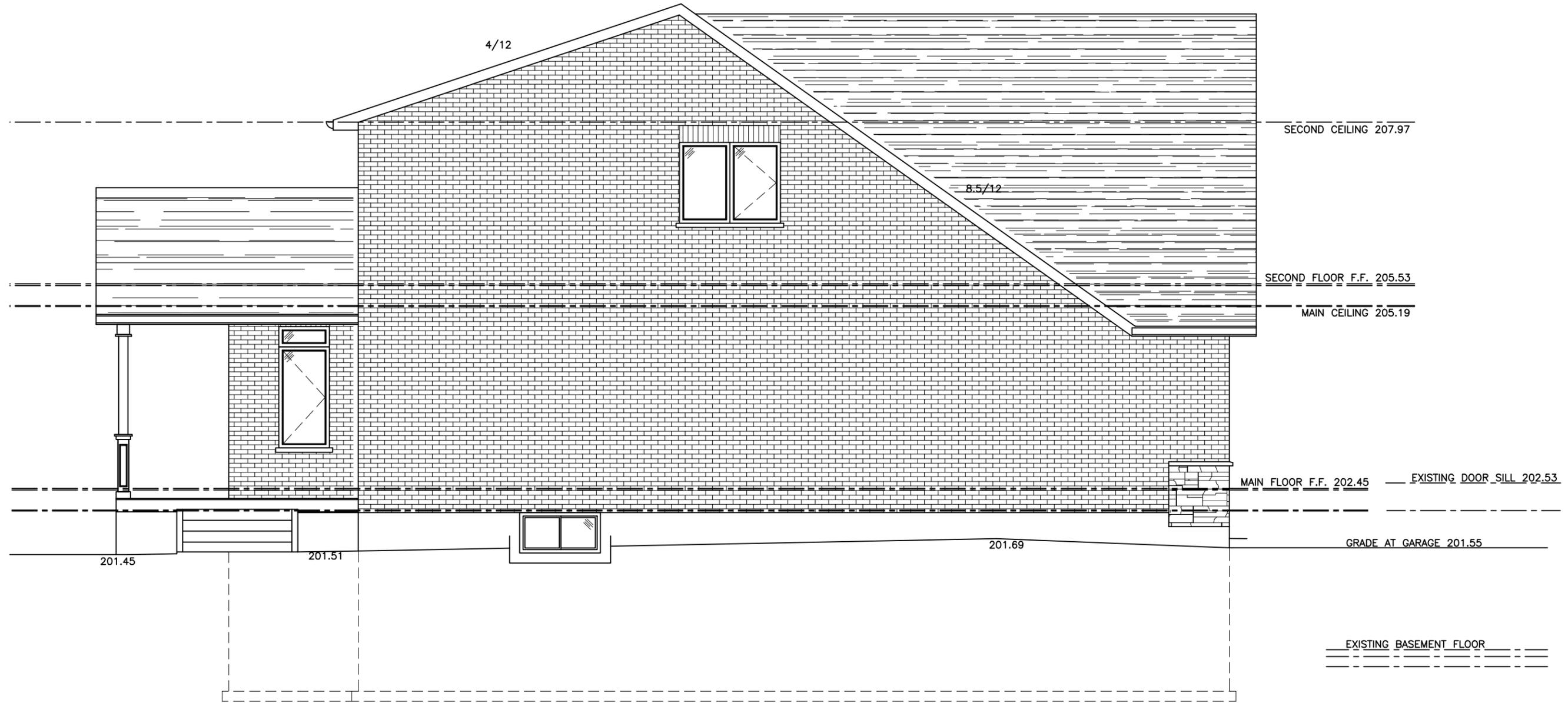
Client No.	
Project No.	2033

Dwg. Title:	Front (West) Elevation
scale: 3/16"=1'-0"	Plotted: Feb 2021
date: Aug 2020	reviewed by: D.M.
drawn by: D.M.	

Project:	Ingham/McGuire Residence
	356 Kingsleigh Court Milton, Ontario L9T 1X7

dwg. no.	SP-2
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Revised For ICBL Approval	Feb 19/21
Issued For ICBL Approval	Feb 16/21
Issued/Revisions	date

Client No.	
Project No.	2033

Dwg. Title:	North Side Elevation
scale: 3/16"=1'-0"	Plotted: Feb 2021
date: Aug 2020	reviewed by: D.M.
drawn by: D.M.	

Project:	Ingham/McGuire Residence
	356 Kingsleigh Court
	Milton, Ontario
	L9T 1X7

dwg. no.	SP-3
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Issued For ICBL Approval	Feb 16/21
Issued/Revisions	date

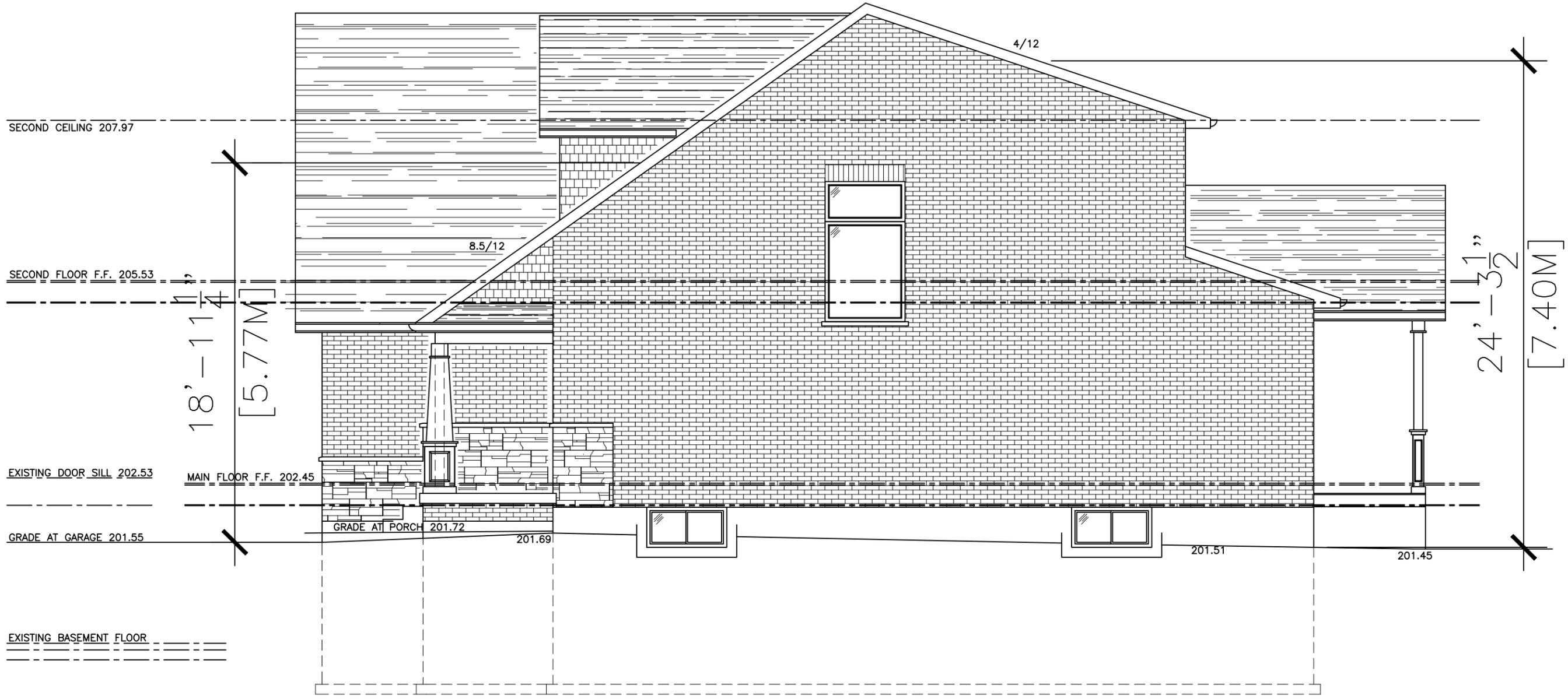
Client No.
Project No. 2033

Dwg. Title: Rear (East) Elevation	
scale: 3/16"=1'-0" date: Aug 2020 drawn by: D.M.	Plotted: Feb 2021 reviewed by: D.M.

Project: Ingham/McGuire Residence
356 Kingsleigh Court Milton, Ontario L9T 1X7

dwg. no. SP-4

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Revised For ICBL Approval	Feb 19/21
Issued For ICBL Approval	Feb 16/21
Issued/Revisions	date

Client No.	
Project No.	2033

Dwg. Title:	South Side Elevation
scale: 3/16"=1'-0"	Plotted: Feb 2021
date: Aug 2020	reviewed by: D.M.
drawn by: D.M.	

Project:	Ingham/McGuire Residence
	356 Kingsleigh Court Milton, Ontario L9T 1X7

dwg. no.	SP-5
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THE CORPORATION OF THE TOWN OF MILTON
BY-LAW NO. XXX-2021

BEING A BY-LAW TO AMEND THE TOWN OF MILTON INTERIM CONTROL BY-LAW NO. 082-2020 TO GRANT A SITE-SPECIFIC EXCEPTION FOR THE PROPERTY LEGALLY DESCRIBED AT LOT 52, PLAN 558, MUNICIPALLY IDENTIFIED AT 356 KINGSLEIGH COURT, IN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON FROM INTERIM CONTROL BY-LAW NO. 082-2020 (Town File: ICBL-02/21)

WHEREAS on October 19, 2020, the Council of the Corporation of the Town of Milton enacted Interim Control By-law No. 082-2020 to to control the development of single detached, semi-detached, duplex, triplex, quadraplex and townhouse dwellings within defined areas of the Town of Milton for a period of one year.

AND WHEREAS on October 19, 2020, the Council of the Corporation of the Town of Milton approved Report No. DS-044-20, in which recommendations were made relating to the Exemption Process for Interim Control By-law No. 082-2020.

WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Interim Control By-law 082-2020;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1.0 That Interim Control By-law 082-2020, is hereby amended by adding the following section:

"12. Notwithstanding Section 1 of this By-law, the by-law shall not apply to the property with the municipal address 356 Kingsleigh Court, Milton, and the owner shall be permitted to submit a Building Permit Application for the construction of a new two-storey dwelling on the lot".

PASSED IN OPEN COUNCIL ON MAY 3, 2021.

Gordon A. Krantz Mayor

Meaghen Reid Deputy Clerk

On Apr 7, 2021, at 1:19 PM, Don Dykeman <> wrote:

Why am I Worried???

To: Kristina Tesser Derksen

CC: Colin Best; Hugo Rincon; Debbie Johnson

I was reflecting that you may consider that I'm overreacting, and the the planning department has the best (and balanced) interests of property owners and existing residents at heart. I know you've seen this before but this stuff tends to get lost in the middle of a 3 or 4 hour meeting. This transaction happened at 333 Kingsleigh Crt. And the developer at that property has purchased another one on Kingsleigh Crt. I read the permit posted on the hoarding fence when this renovation began and it said the nature of the permit was "Renovation with Addition". I wish I had photographed that as well, but its likely on file with the town in 2014 - 2016 timeframe.



Renovation with addition... this IS the same property from the same perspective and this developer has renovated properties on Martin St. and has purchased another one on Kingsleigh Crt. Do you feel like this is keeping within the character of the neighbourhood? There are places for homes like this in Milton... it shouldn't be here on Kingsleigh Crt.



Hoping this helps explain why my preference would be to wait for the neighbourhood study and planning policy to be updated before new development is permitted again.
Thanks again!

On Apr 5, 2021, at 10:45 PM, Don Dykeman <> wrote:

Hello Councillor TesserDerksen,

Thank you for your response on my inquiry today. I know ByLaws are obfuscated so they cannot be deciphered by ordinary people, but in my reading of ByLaw 082-2020, I do not see that there is, as you put it, "wigggle room" for development requests that meet certain criteria laid out in the ByLaw. Specifically, section 3.D.iii states that "a new Dwelling or addition to a Dwelling that increases the height of the structure beyond that which existed on the same lot on the date of passage of this By-law" falls into the category of "Intensified Residential Use". (In addition, I believe the proposed dwelling also meets the definition for "Intensified Residential Use" according to section 3.D.i)

Therefore section 7 should apply which states that "THAT for Official Plan Amendment, Zoning By-law Amendment, Site Plan Approval or Minor Variance applications within the defined area that could permit lands to be used for an Intensified Use shall be deemed contrary to this By-law and are prohibited."

Although the letter to residents from Development Services states that “The exemption will be evaluated against the following criteria: ...” (and lists some items for consideration which I assume were made up by Development Services), I do not see any reference to evaluation criteria in ByLaw 082-2020 as enacted. In fact, I find that the actual ByLaw, to the extent that I can comprehend it, quite clearly states that such a development should be prohibited until Phase 2 and 3 of the mature neighbourhood character study is complete and any land use planning policies and regulations have been duly reviewed and enacted, or, of course, that the ByLaw expires in Oct 2021. This is, after all, the commitment made by council to the residents of the mature neighbourhoods, resulting from the discussion during the public meeting held in Aug 2020, which lead Council to request that staff develop this ByLaw to prevent further development until the outcome of the study, development and review of new policy has been completed.

Thank you for your consideration and attention in this matter. As our Ward I representative, I hope you will find that in this case the balance of rights falls to the collective neighbourhood to have input and know the outcome of the study before further development proceeds.

Best regards,
Don Dykeman

Debbie Johnson

From: Don Dykeman [REDACTED]
Sent: Sunday, April 4, 2021 10:34 AM
To: Debbie Johnson
Subject: Letter re: 356 Kingsleigh Court (Lot 52, Plan 558) Town File ICBL-02/21.

Hi Debbie... I send this last evening but somehow omitted your name from the primary distribution... Please let me know if you've received it.

Sent from my iPad

Begin forwarded message:

From: Don Dykeman
Date: April 3, 2021 at 10:33:08 PM EDT
Cc: Colin.Best@milton.ca
Subject: Letter re: 356 Kingsleigh Court (Lot 52, Plan 558) Town File ICBL-02/21.

I'm writing in regards to a letter we received this past week, regarding Request for Exemption to the Interim Control By-law 082-2020 at 356 Kingsleigh Court (Lot 52, Plan 558) Town File ICBL-02/21. My name is Don Dykeman and am a homeowner at [REDACTED]

I have to admit that, like most "ordinary" homeowners, I'm not intimately familiar with the nature of development requests such as that detailed in the letter, nor the meaning of the language included in such letters. My understanding of the circumstances is as follows:

- In October 2020, Council voted to enact Interim Control By-law No. 082-2020 which temporarily prohibits new development in the Town's mature neighbourhoods, while the Town completes Phases 2 and 3 of the Mature Neighbourhoods Study.
- The exemption that is the subject of the Request for Exemption in the letter is requested by the property owner because the proposed Building Permit meets "all requirements of the Zoning By-law" (I'm assuming that this refers to existing Zoning By-law requirements as there is currently no new By-law to consider)

The interim by-law restricting new development, as I understand it, was enacted after several residents in our neighbourhood have expressed dismay and alarm that new developments are already destroying the character of our neighbourhood and allowing continued development while Phase 2 and 3 of the mature neighbourhood character study were completed and By-Laws enacted, would end up being too late. In short, there was a need identified to pause development to allow the study to reach its conclusion and new policy developed.

So, I come to the point of my submission, which is "Why would Council go to the trouble of enacting a by-law to temporarily prohibit new development while new rules are considered, and then allow development to proceed based on the fact that it conforms to the existing (or even proposed) rules"?? If you think about it, regardless of what is proposed as new development, we will not know if it is or isn't compliant with the new regulations until the study is complete and the new regulations have been considered and enacted into law.

I'm purposely not commenting on the merits of this specific proposal at 356 Kingsleigh. What we think of this design is irrelevant, and the point is that back in October 2020, Council saw fit to enact a temporary by-law to prevent the approval of such developments until we understand the outcome of the mature neighbourhood character study, and have an opportunity to consider and put in place any new and updated By-laws. We can

not know if this proposed project is in compliance (or not) until the conclusion of the study and new or changed Zoning by-laws are enacted.

Alternatively, if the outcome of the study and the By-Laws are already well known, then why do we continue the charade that a study is ongoing and By-Laws or policy is being developed for consideration?? If the new policy is already known, why are we only sharing this information with certain parties who have an interest in development rather than the public at large? If the planning department from the Town is working with developers to work around the interim By-Law (and our Town Council) who is working with residents of the neighbourhood to ensure that their interests are represented in this Exemption?

It should further be brought to your attention that other developers (who have previously constructed new homes that are most definitely not in keeping with the character of the neighbourhood) have already acquired other properties on Kingsleigh Crt. If this exception is granted, we should expect that these other parties will also be requesting similar exceptions in very short order. It is worth noting that current by-laws are responsible for enabling the large houses that have already been constructed and have lead us to conclude that these by-laws are not adequately preserving the existing character. Since the new By-laws have not been enacted, as I've mentioned, how are we to know what is allowed??

I believe that we should, as we planned back in October 2020, allow the results of the mature neighbourhood character study to reach their conclusion and new By-Laws be considered and enacted before any further development is permitted to proceed. Otherwise we should cancel the remainder of the mature neighbourhood character study as it is a complete and utter waste of taxpayer money.

Thank you for your consideration.

Sent from my iPad

Debbie Johnson

From: Virginia Johnson [REDACTED]
Sent: Saturday, March 27, 2021 12:13 PM
To: Debbie Johnson

I wish to enter my displeasure over allowing this expansion to be allowed. address is 356 Kingsleigh Ct., Milton

My reasons are as followed:

1. Kingsleigh Ct was built in the 50's and has such great ambiance as it is
2. Kingsleigh Ct will lose all its character if the town continues to allow this destruction of these houses.
3. Kingsleigh Ct has such beauty with its mature trees and lawns and allowing these big ugly houses just does NOT fit in.
4. What happened to the decision of not allowing the building of big houses in mature areas?

Ginny Johnson

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Debbie Johnson

From: Rob Preisner [REDACTED]
Sent: Wednesday, March 31, 2021 11:27 AM
To: Debbie Johnson
Subject: Town File ICBL-02/21

Re: New build request at 356 Kingsleigh Court (Lot 52, Plan 558).

Hi Ms Johnson,

Ideally it would have been nice to have kept all of Kingsleigh Court as originally constructed (with bungalows), but I can appreciate the effort made by Mr Ingham to blend in as best as possible with his proposed 1 1/2 storey build, so I'm good with what he has planned there.

There's a big difference between what is being proposed at #356 Kingsleigh Court and what has already occurred with some of the other tear-downs (specifically #'s 296 and 333).

At the #356 location, the new owners are doing their best to be good neighbours, communicating well, and they are planning to live here with their young family.

At the other locations where the original bungalows have been torn down, the primary goals there were to build for a quick re-sell by the contractors, skirting the by-law rules in the process, and with seemingly total disregard for the negative effects on the adjacent properties. There is a perception among some of the Kingsleigh Court residents that the Town either got hood-winked by the contractors with these massive builds, or were perhaps in a way complicit with them to allow for these to be built.

Thank you for allowing the opportunity to make comments.

Rob Preisner
[REDACTED]

Sent from my iPad

Debbie Johnson

From: Neil Platts [REDACTED]
Sent: Sunday, April 11, 2021 12:34 PM
To: Debbie Johnson
Cc: Kristina.TesserDirksen@milton.ca
Subject: 356 Kingsleigh Court.

Debbie,

Many thanks for the opportunity to respond to the construction request.

This house is located amongst 30 or so single story homes,Any plan to add height to the house will result in a significant reduction in light access for adjacent homes.

There are 3 mega homes on Kingsleigh and all have created reduced light for the folks next door, There is room at the back of this property to add size to the home,whilst keeping the single story appearance.
No more unplanned mega homes please.

Kind regards,

Neil Platts. [REDACTED]

Sent from my iPad