



# The Corporation of the Town of Milton

---

Report To:	Council
From:	Barbara Koopmans, Commissioner, Development Services
Date:	August 23, 2021
Report No:	DS-049-21
Subject:	Exemption to the Interim Control By-law 082-2020 for 227 Elmwood Crescent, Milton.
Recommendation:	<p><b>THAT Report DS-049-21, 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 227 Elmwood Crescent, Milton, be received;</b></p> <p><b>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 227 Elmwood Crescent, Milton.</b></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 227 Elmwood Crescent, in the Fallingbrook 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 227 Elmwood Crescent to proceed with a Minor Variance application as the proposed new dwelling is respectful of the character of the streetscape.

## REPORT

### Background

The Town of Milton has been 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 the character of the neighbourhood.

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 Fallingbrook, Mountain View Survey and Martin Meadows neighbourhoods and Phase 3, reviewing the Fallingbrook, Forrest Grove, Bronte Meadows, Valley View, Fallingbrook 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 reviews and provides 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.

## Discussion

On April 21, 2021, the Development Services Department received a request to exempt 227 Elmwood Crescent (Lot 67, Plan 556), in the Town of Milton from Interim Control By-law 082-2020. The subject property is located in the Fallingbrook Neighbourhood, which is identified as a mature neighbourhood in Zoning By-law 016-2014. A location map of the subject property is attached as Figure 1. The property is currently zoned RLD (Low Density Residential). The RLD zone permits single detached dwellings including attached and detached garages. Surrounding land uses are one, one-and-a-half and two storey detached dwellings built in the 1950s. At three locations in the neighbourhood, the original houses have been renovated or replaced by two-storey dwellings in recent years.

The owner of 227 Elmwood Crescent is seeking relief from Interim Control By-law 082-2020 to proceed with a Minor Variance application to facilitate the construction of a new two-storey detached dwelling to replace an existing one-storey detached dwelling. The proposal, attached as Appendix 1 of this report, has a footprint of 215.9 square meters (2,324 square feet) and the following gross floor area distribution:

- Main Floor: (excluding garage and porch): 165.6 square metres (1,789 square feet);
- Second Floor: 163.6 square metres (1,814 square feet); and
- Basement: 165.5 square metres (1,760 square feet).

The applicant met with staff prior to submitting the exception request and during the review process to discuss the design concept and staff's feedback. In response, the proponent

modified various design features, made changes to the site plan and adjusted the dwelling's floor plans. The following table summarizes these changes:

	Pre-consultation drawings	Notification drawings	Final drawings (attached)
Front Yard Setback (min. 4.0m permitted)	5.12m	7.50m	7.66m
Side Yard Setbacks (min. 1.2 permitted)	1.20m	1.50m	1.50m
Rear Yard Setback (min. 7.5m permitted)	16.0m / 12.33m (from unenclosed patio)	12.96m / 9.3m (from unenclosed patio)	12.96m / 9.3m (from unenclosed patio)
Lot Coverage (max. 30% permitted)	38.1%	36.93%	35.2% (excavated area removed)
Number of Storeys	2 storeys	2 storeys	2 storeys
Building Height (max. 11m to midpoint of roof)	9.03m (top of roof)	8.93m (top of roof)	8.93m (top of roof)
Front elevation treatment	Two-storey height porch roof	One-storey height porch roof proposed, brick surface increased and garage door design enhanced	
Rear elevation treatment	Second floor balcony proposed above patio	Area of second floor balcony above patio reduced	Second floor balcony above patio removed

Through written submissions, neighbours expressed the following:

- Desire to retain neighbourhood feel;
- Larger footprint represents a smaller yard size and will have a negative impact on the area;
- Potential shadow and privacy impacts on adjacent properties; and
- No exemptions should be granted until the study is complete.

The request for 227 Elmwood Crescent 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 for building height, setbacks, and landscaped open space.
- The subject property has an area of 612.97 square metres and is deep and irregular in shape. The Town's Zoning By-law permits a maximum 30 percent lot coverage on lots less than 660 square metres in size, whereas the proposed dwelling has a total lot coverage of 35.2 percent. A variance is required for an increase in lot coverage.
- Gross Floor Area is not regulated in the Town's Zoning By-law.

**Physical Character Compatibility:**

- 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 8.93 metres.
- The proposed height represents an appropriate transition to the adjacent houses
- The proposed dwelling height is lower than the dwelling situated at the rear of the property.
- The proposal addresses privacy and sunlight issues.

**Streetscape Character Compatibility:**

- The proposed dwelling closely aligns with the adjacent house, which ensures a consistent street wall is maintained.
- The siting of the proposed dwelling and the consistent front yard setback will not impact the view from the front of the adjacent dwelling. In addition, large trees on an adjacent properties further block the perception of the overall massing from the road intersection.
- The neighbourhood does have mostly brick homes. In keeping with the surrounding homes, the owners have selected brick veneer walls and a stone veneer base.
- The front porch is an important feature and is oriented and clearly visible from the street.
- The existing landscaped pattern of front yards, notably with mature trees and front lawns is not impacted.

**Percentage increase of the gross floor area:**

- The overall increase in massing is generally distributed towards the rear of the property, while retaining a large rear yard setback, comparable to the abutting house to the rear yard.
- In accordance with the definition of Gross Floor Area in Interim Control By-Law 082-2020, the proposal's GFA will result in a significant increase from the existing dwelling's GFA percentage. While the maximum lot coverage is regulated in the Town's Zoning By-law as a measurement of the intensity of use, the maximum Gross Floor Area is not contemplated in the by-law.

Staff is of the opinion that the resulting design would not compromise the streetscape character and represents a good transition to the adjacent homes in terms of height, number of storeys, setbacks and use of materials.

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 Minor Variance application. In order to address public feedback, the proponent is encouraged to explore opportunities to further reduce the lot coverage of the proposed new dwelling through the



# FIGURE 1 LOCATION MAP



Council Meeting Date:  
July 19, 2021

Scale: 1: 3,200

Files: ICBL-03/21

Development Services Department



Subject Property



**NIA Architects Inc.**

April 21, 2021

To,  
Mr. Hugo Rincon  
Policy Planner  
Town of Milton, ON

Subject: Request for exemption from the Interim Control Bylaw for  
227 Elmwood Cres., Milton

Dear Mr. Hugo Rincon,

Hope you are well.

Our clients has acquired this property earlier last year for the purpose of constructing their home. The existing dwelling is one story bungalow with no garage. The structure may be approximately 50 plus years old and can not fulfill the family needs. Their plan is to demolish and build a new 2 story contemporary home with an attached two car garage. We have recently submitted a minor variance application to request an increased lot coverage. The increased footprint has not caused any additional variances. The front, rear and side yards meet/ exceed the current zoning requirements. During our correspondence we have modified our plans and elevations to address Planning staff's concerns and now we are confident that staff can support and recommend our proposal to Council for review and consideration for approval.

Thank you for your help and guidance. Please feel free to contact me if you have any questions.

Regards,

Nadeem Irfan  
B. Arch., OAA  
NIA Architects Inc.



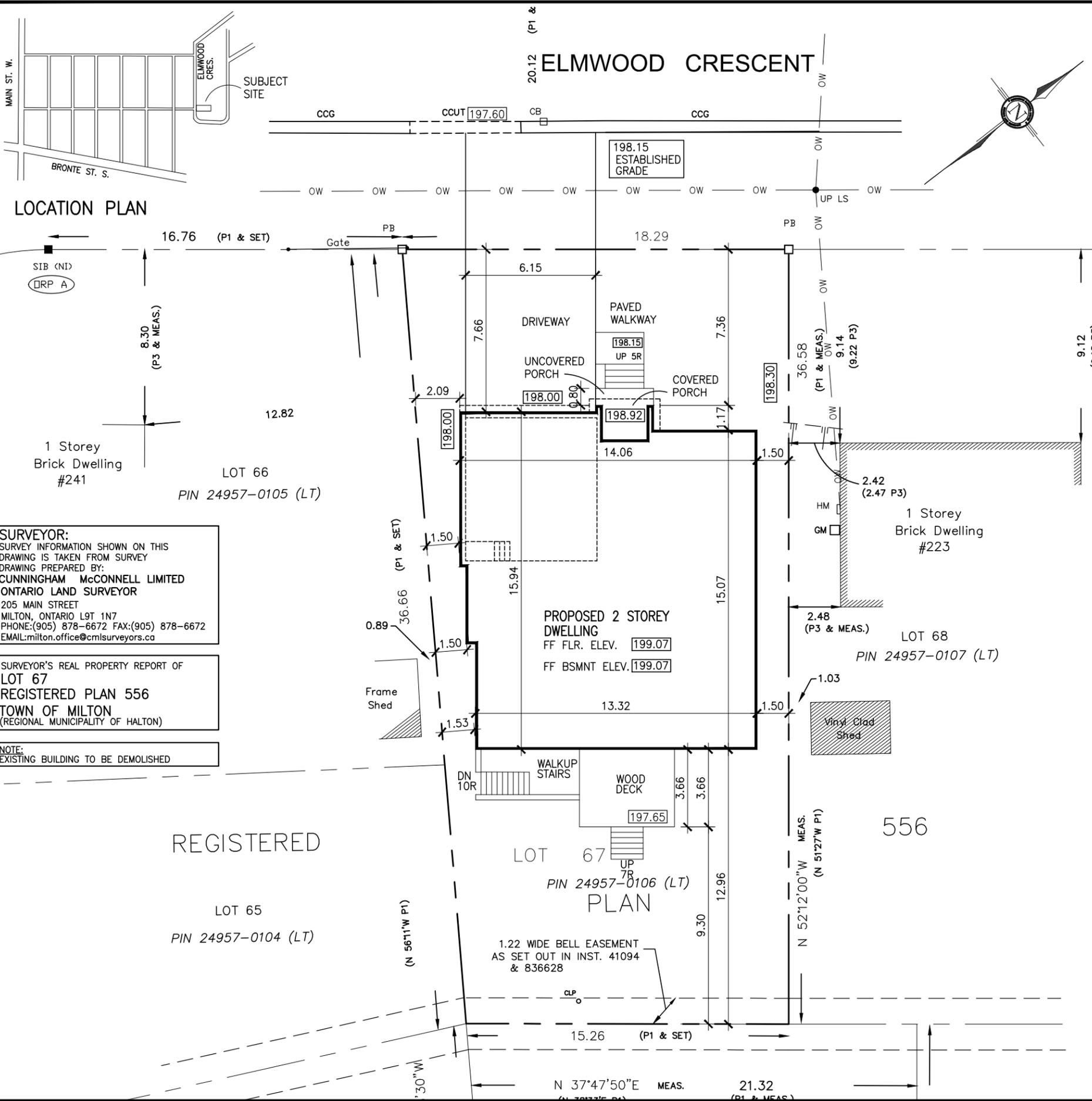
227 Elmwood Cres.

Front View



227 Elmwood Cres.

Rear View

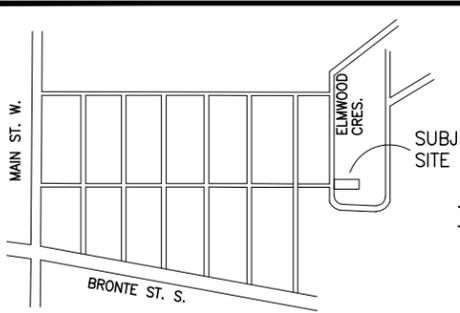


**SURVEYOR:**  
 SURVEY INFORMATION SHOWN ON THIS DRAWING IS TAKEN FROM SURVEY DRAWING PREPARED BY:  
**CUNNINGHAM McCONNELL LIMITED**  
 ONTARIO LAND SURVEYOR  
 205 MAIN STREET  
 MILTON, ONTARIO L9T 1N7  
 PHONE:(905) 878-6672 FAX:(905) 878-6672  
 EMAIL:milton.office@cmisurveyors.ca

**SURVEYOR'S REAL PROPERTY REPORT OF LOT 67**  
 REGISTERED PLAN 556  
 TOWN OF MILTON  
 (REGIONAL MUNICIPALITY OF HALTON)

**NOTE:**  
 EXISTING BUILDING TO BE DEMOLISHED

**LOCATION PLAN**



**ZONING DESIGNATION & REQUIREMENTS**

ZONING	RLD	
LOT COVERAGE (PERMITTED MEXIMUM)	30%	183.89 sq.m.
FLOOR AREA (PERMITTED MAXIMUM)	N/A	
HEIGHT (PERMITTED MAXIMUM)	11.00 m	
ESTABLISHED GRADE	198.15	

**SETBACKS**

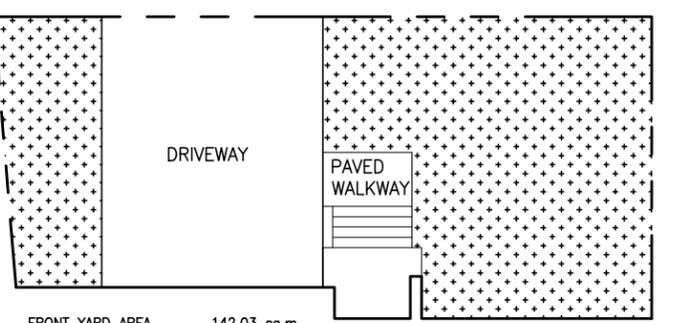
	REQUIRED	PROVIDED
FRONT YARD SETBACK	4.00	7.36
REAR YARD SETBACK	7.50	12.96
SIDE YARD 1	1.20	1.50
SIDE YARD 2	1.20	1.50

**SITE SUMMARY**

	sq.m.	PERCENTAGE (PROVIDED)
LOT AREA	612.97	
LOT COVERAGE	215.87	35.22%
FLOOR AREA (FSI) (DOES NOT INCLUDE GARAGE)	338.662	55.25%

**FLOOR AREAS**

	sq.m.	sq.ft.
GROUND FLOOR AREA INCLUDING GARAGE	212.08	2282
SECOND FLOOR AREA MINUS OPEN TO BELOW	168.59	1814
TOTAL FLOOR AREAS	380.67	4096
GARAGE AREA (TO BE DEDUCTED)	42.01	452
<b>TOTAL FLOOR AREA</b>	<b>338.66</b>	<b>3644</b>
FINISHED BASEMENT AREA	165.89	1785



FRONT YARD AREA 142.03 sq.m.  
 GRASS AREA 84.66 sq.m.  
 LANDSCAPE AREA PROVIDED 59.61 %  
 LANDSCAPE AREA REQUIRED 40.00 %

**LANDSCAPE SUMMARY**

**REVISED**

NO	REVISIONS	DATE
-	-	-

**GENERAL NOTES**

- ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE ARCHITECT.
- CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT.
- DO NOT SCALE DRAWINGS.
- ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

CITY	MINOR VARIANCE	DATE
TORONTO	ISSUED	FEB.5/21

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SIGNED BY THE ARCHITECT.



10 MILNER BUSINESS COURT, SUITE 213  
 TORONTO, ONTARIO M1B 3C6  
 www.niarch.com E: info@niarch.com  
 T: 416-270-7810 F: 416-800-5434

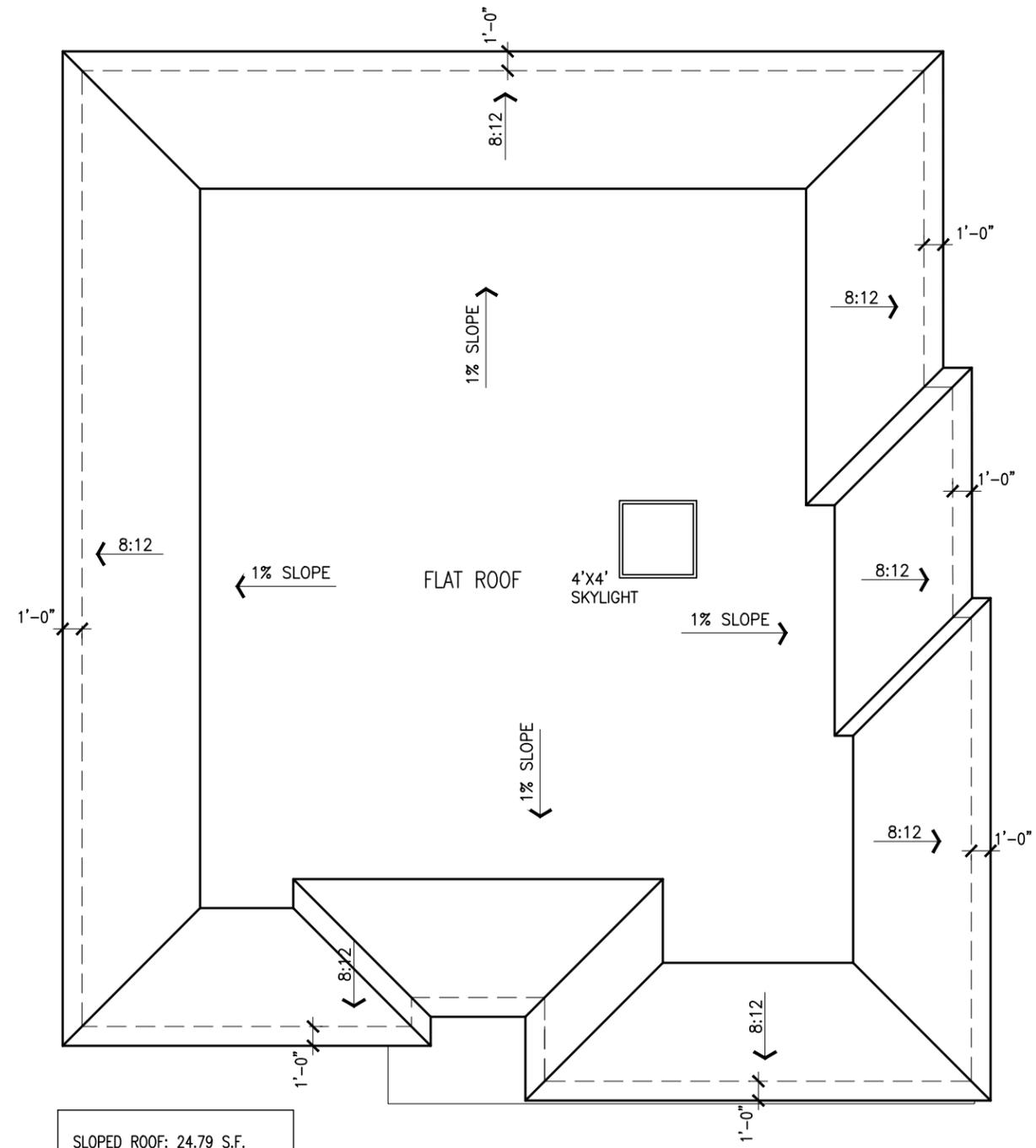
**PROJECT**

**PROPOSED RESIDENCE**  
 227 ELMWOOD CRES.  
 MILTON, ONTARIO

**DRAWING**

**SITE PLAN**

DRAWN -	PROJECT NO 20-39
PLOTTED DATE JUNE 28, 2021	DRAWING NO
SCALE 1:200	<b>SP1</b>
CHECKED N.I.	



SLOPED ROOF: 24.79 S.F.  
 FLAT ROOF: 1209 S.F.

ROOF PLAN  
 SCALE 1/8"=1'-0"

NO	REVISIONS	DATE
-	-	-

**GENERAL NOTES**

1. ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE ARCHITECT.
2. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT.
3. DO NOT SCALE DRAWINGS.
4. ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

CITY	MINOR VARIANCE	DATE
TORONTO	ISSUED	FEB.5/21

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SIGNED BY THE ARCHITECT.

**nia** NIA Architects Inc.  
 10 MILNER BUSINESS COURT, SUITE 213  
 TORONTO, ONTARIO M1B 3C6  
 www.niarch.com E: info@niarch.com  
 T: 416-270-7810 F: 416-800-5434

PROJECT  
**PROPOSED RESIDENCE**  
 227 ELMWOOD CRES.  
 MILTON, ONTARIO

DRAWING	
<b>ROOF PLAN</b>	
DRAWN IMAN/ GLEN	PROJECT NO 2020-39
PLOTTED DATE JUNE 28, 2021	DRAWING NO
SCALE 1/8"=1'-0"	<b>A4</b>
CHECKED N.I.	

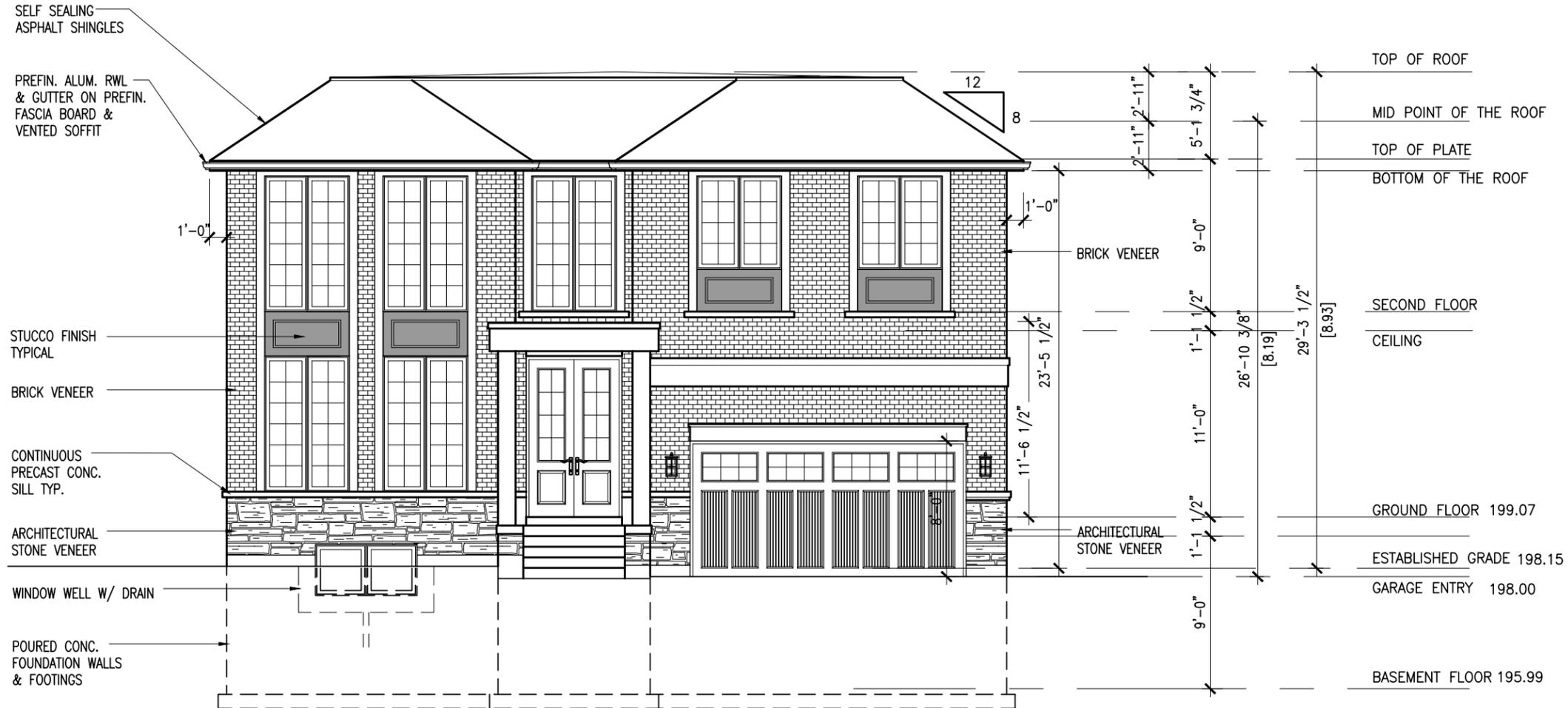
NO	REVISIONS	DATE
-	-	-

**GENERAL NOTES**

1. ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE ARCHITECT.
2. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT.
3. DO NOT SCALE DRAWINGS.
4. ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

CITY	MINOR VARIANCE	DATE
TORONTO	ISSUED	FEB.5/21

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SIGNED BY THE ARCHITECT.



**NORTH ELEVATION**  
SCALE 1/8"=1'-0"

**nia** NIA Architects Inc.

10 MILNER BUSINESS COURT, SUITE 213  
TORONTO, ONTARIO M1B 3C6  
www.niarch.com E: info@niarch.com  
T: 416-270-7810 F: 416-800-5434

PROJECT

**PROPOSED RESIDENCE**

227 ELMWOOD CRES.  
MILTON, ONTARIO

DRAWING

**NORTH ELEVATION**

DRAWN IMAN/ GLEN	PROJECT NO 2020-39
---------------------	-----------------------

PLOTTED DATE JUNE 28, 2021	DRAWING NO
-------------------------------	------------

SCALE 1/8"=1'-0"	<b>A5</b>
---------------------	-----------

CHECKED N.I.
-----------------



SOUTH ELEVATION  
SCALE 1/8"=1'-0"

**REVISED**

NO	REVISIONS	DATE
-	-	-

**GENERAL NOTES**

1. ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE ARCHITECT.
2. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT.
3. DO NOT SCALE DRAWINGS.
4. ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

CITY	MINOR VARIANCE	DATE
TORONTO	ISSUED	FEB.5/21

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SIGNED BY THE ARCHITECT.

**nia** NIA Architects Inc.

10 MILNER BUSINESS COURT, SUITE 213  
TORONTO, ONTARIO M1B 3C6  
www.niarch.com E: info@niarch.com  
T: 416-270-7810 F: 416-800-5434

PROJECT  
**PROPOSED RESIDENCE**  
227 ELMWOOD CRES.  
MILTON, ONTARIO

DRAWING  
**SOUTH ELEVATION**

DRAWN IMAN/ GLEN	PROJECT NO 2020-39
PLOTTED DATE JUNE 28, 2021	DRAWING NO
SCALE 1/8"=1'-0"	<b>A6</b>
CHECKED N.I.	

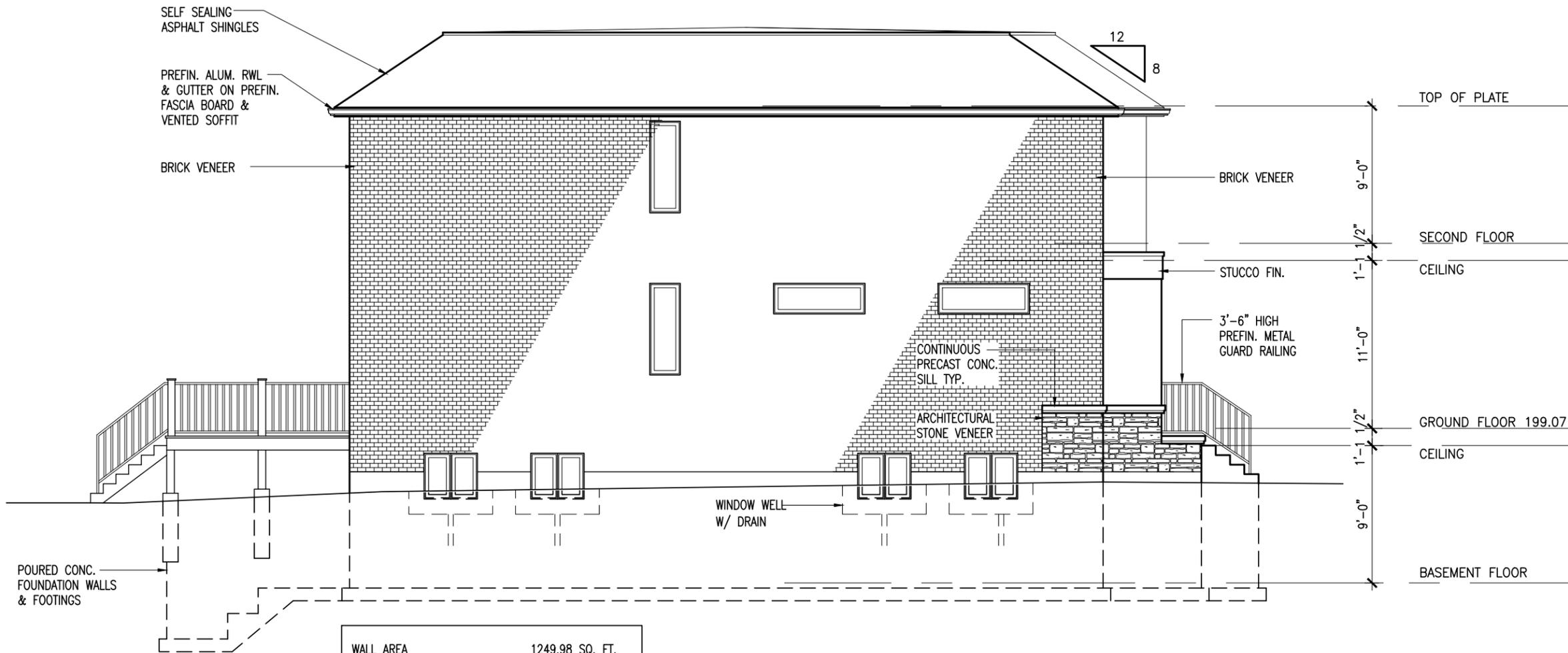
NO	REVISIONS	DATE
-	-	-

**GENERAL NOTES**

1. ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE ARCHITECT.
2. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT.
3. DO NOT SCALE DRAWINGS.
4. ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

CITY	MINOR VARIANCE TO	DATE
TORONTO	ISSUED	FEB. 5/21

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SIGNED BY THE ARCHITECT.



**EAST ELEVATION**  
SCALE 1/8"=1'-0"

**REVISED**

**nia** NIA Architects Inc.

10 MILNER BUSINESS COURT, SUITE 213  
TORONTO, ONTARIO M1B 3C6  
www.niarch.com E: info@niarch.com  
T: 416-270-7810 F: 416-800-5434

PROJECT  
**PROPOSED RESIDENCE**  
227 ELMWOOD CRES.  
MILTON, ONTARIO

DRAWING  
**EAST ELEVATION**

DRAWN IMAN/ GLEN	PROJECT NO 2020-39
PLOTTED DATE JUNE 28, 2021	DRAWING NO
SCALE 1/8"=1'-0"	<b>A7</b>
CHECKED N.I.	

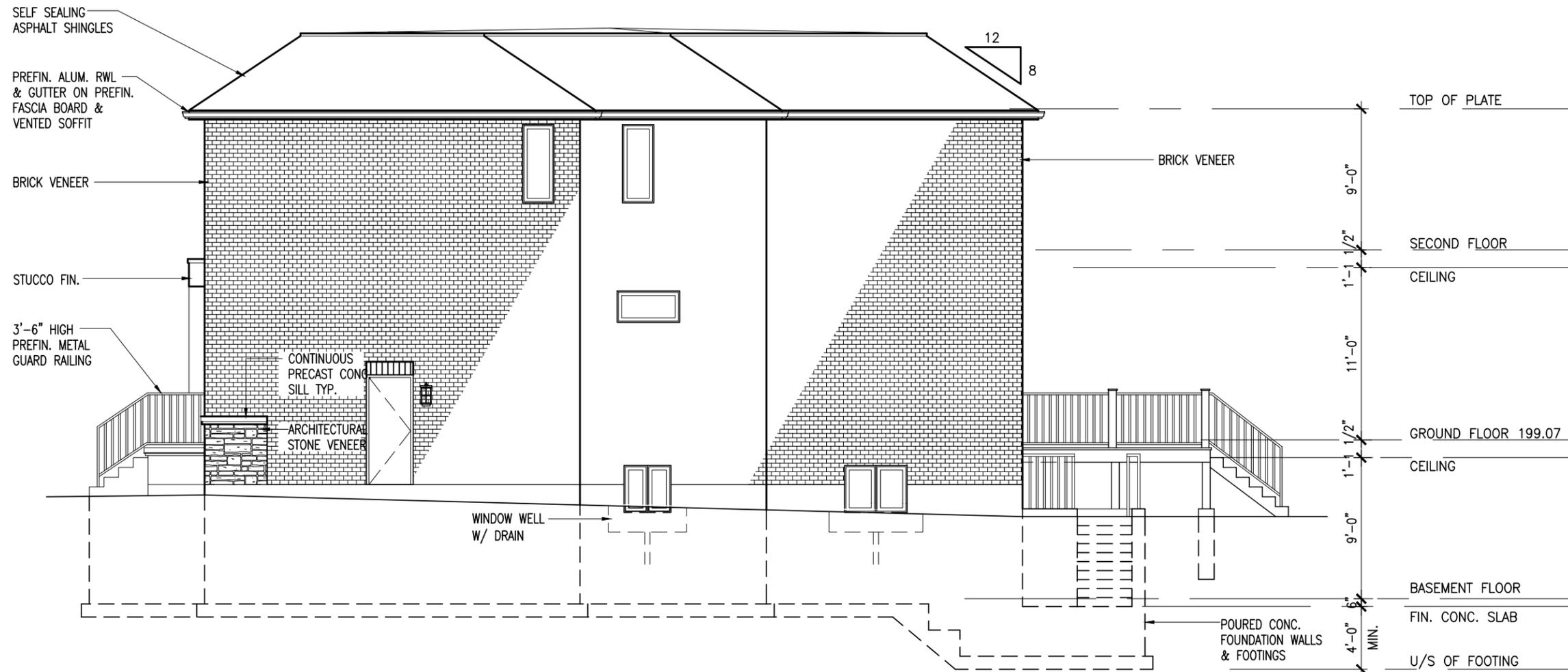
NO	REVISIONS	DATE
-	-	-

**GENERAL NOTES**

1. ALL DRAWINGS ARE THE PROPERTY OF THE ARCHITECT AND THEY ARE NOT TO BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT FROM THE ARCHITECT.
2. CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK AND TO REPORT ANY DISCREPANCIES TO THE ARCHITECT.
3. DO NOT SCALE DRAWINGS.
4. ALL CONSTRUCTION TO BE ACCORDING TO BEST COMMON PRACTICE AND CONFORM TO THE ONTARIO BUILDING CODE.

CITY	MINOR VARIANCE	DATE
TORONTO	ISSUED	FEB.5/21

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL SIGNED BY THE ARCHITECT.



WALL AREA	1338.13 SQ. FT.
LIMITING DISTANCE	4'-11" @ 7%
MAX. ALLOWABLE OPENINGS	93.67 SQ. FT.
OPENINGS PROVIDED	59.40 SQ. FT.

WEST ELEVATION  
SCALE 1/8"=1'-0"

**REVISED**

**nia** NIA Architects Inc.

10 MILNER BUSINESS COURT, SUITE 213  
TORONTO, ONTARIO M1B 3C6  
www.niarch.com E: info@niarch.com  
T: 416-270-7810 F: 416-800-5434

PROJECT  
**PROPOSED RESIDENCE**  
227 ELMWOOD CRES.  
MILTON, ONTARIO

DRAWING  
**WEST ELEVATION**

DRAWN IMAN/ GLEN	PROJECT NO 2020-39
PLOTTED DATE JUNE 28, 2021	DRAWING NO
SCALE 1/8"=1'-0"	<b>A8</b>
CHECKED N.I.	

**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 67, PLAN 556, MUNICIPALLY IDENTIFIED AT 227 ELMWOOD CRESCENT, IN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON FROM INTERIM CONTROL BY-LAW NO. 082-2020 (Town File: ICBL-03/21)

**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 227 Elmwood Crescent, Milton, and the owner shall be permitted to submit a Minor Variance Application for the construction of a new two-storey dwelling on the lot ".

**PASSED IN OPEN COUNCIL ON AUGUST 23, 2021**

\_\_\_\_\_  
Gordon A. Krantz Mayor

\_\_\_\_\_  
Meaghen Reid Town Clerk

**Attention:** Debbie Johnson, Planning Administrator

**RE: Request for Exemption, to the Interim Control By-law 082-2020**

**Location: 227 Elmwood Crescent (Lot 67, Plan 556)**

**Town File: ICBL-03/21**

Dear Milton Town Council Members,

Good day, we are writing to you to express our deep concern of the application for a minor variance on the above-mentioned property. We are currently living within **12 meters** of the subject property, and the entire view of our backyard faces, connects, and looks directly onto the backyard of 227 Elmwood Crescent. Furthermore, our backyard looks down the center of all the properties and backyards on Elmwood Crescent. I have attached photos for perspective.

We have lived in and been a resident of Milton for 65+ years, and we have lived at our current address of [REDACTED] for 40+ years. With Milton being recognized as one of the largest communities with rapid growth, we have thoroughly enjoyed being in "Old Milton" for that very reason alone. Old Milton, sadly, is slowly losing its character, and truthfully Old Milton should be protected, like the protection of the Century Homes.

Old Milton / Elmwood Crescent is a close-knit neighbourhood, where we all enjoy the green space, large size lots, large size backyards, mature trees, and its unique beauty in the character of the homes.

STOP the MONSTER homes and PLEASE PROTECT our neighbourhood!

We have listed our concerns that we urge you to strongly take them into consideration:

#### **MONSTER HOME**

- The subject home is too big for our neighbourhood, its evidently massive, and takes away from the reason we all chose to live on Elmwood Crescent

#### **HEIGHT**

- The subject home is an obstruction of view and privacy, the home would completely block our view
- The subject home would cast shadows our home, pool and backyard, blocking the natural sunlight
- The height and depth alone on the subject property is deeply concerning; we are the most impacted homeowners with this potential build

#### **PRIVACY**

- The height and depth of the subject property would take away the privacy from our family in our backyard and inside our home
- The subject property would be looking directly into our backyard and directly into our home, thus losing our privacy
- The subject property would be able to see into our kitchen and our dining room, thus losing our privacy
- We have a swimming pool for our family and grandchildren to enjoy, the subject property would block the natural sun light in the backyard and in the pool, and will also affect our privacy

- The subject property deck and 2<sup>nd</sup> story balcony would drastically impact our family's privacy both outside and inside our home

### **PROPERTY LINE**

The subject property would be too close to all property lines

### **RETIREMENT**

- We are retired and have worked our entire life to enjoy our home, and more importantly the peace and tranquility that our backyard brings.
- We shouldn't feel that we are being forced out of our home or our neighbourhood because our privacy will be invaded.

### **HOUSING MARKET**

- The subject property would drastically impact the sale of our home. We should not have to lose the equity in our home that we worked so hard for because of a MONSTER home
- We shouldn't feel forced to move from a house that we have lived in for [REDACTED]
- As a retiree, we possibly cannot afford and shouldn't be forced to move. **This was our forever home!**

### **NEIGHBOURHOOD**

- Many homeowners on Elmwood Crescent are trying to enjoy their retirement, or spend time with our families in our backyards
- MONSTER homes are taking away the peace from the homeowners
- The characteristics of Old Milton homes are being destroyed

### **PROPERTY TAXES**

- The subject property may impact our property taxes because of changes in house sizes in our neighbourhood

For several neighbours, the ability to share their concerns may be technically impossible, so we would ask you not to underestimate the value of the comments you receive in writing, and ask for you to ensure our communities voice is inclusively heard, and valued.

In summary, respectfully, **we do not support this request for exemption**, and we ask Council **not to grant an exemption to the ICBL**. We look forward to seeing what comes out of Phase 2 and 3 of the Mature Neighbourhood Study.

Thank you in advance for understanding how important this would impact our family and our neighbourhood.

Respectfully,



Frederick G. Clark and Janet Clark  
[REDACTED]







**Attention: Debbie Johnson, Panning Administrator**

Re: Request for Exemption to the Interim Control Bi-law 082-2020

Location: 227 Elmwood Crescent (Lot 67, Plan 556)

Town File: ICBL-03/21

May 7, 2021

Dear Town Council Members,

Good evening. I am writing in concern of the application for a minor variance on the above property. I am living within 60 meters of the subject property and the view from my back yard deck looks directly at the back of the structure at 227 Elmwood.

In the last number of years we have watched our old Milton neighbourhoods slowly lose their character. It may not be noticeable to some because it has been a slow decline, but to those who have enjoyed living here for [REDACTED] the accumulated little changes of the past few years have made a significant impact overall. I am not opposed to refreshing a neighbourhood and understand the need for new homeowners to make a place their own, however the new normal of tearing down a modest house with a spacious yard, removing all the mature trees to accommodate a towering 3 level house with high ceilings is not in keeping with the charm of the neighbourhood. Leaving little yard as a buffer between homes means fences where there were none, established sunny gardens now in shade, lost backyard privacy and cars parked on the street because the driveway lacks enough parking space for its occupants.

In regards to the proposed home on lot 67 of Elmwood crescent I have the following concerns listed in order of highest importance.

- Height. The property grade is already high on our street and this would make the proposed height seem even taller
- Increase in size from existing home's footprint means a smaller yard size and a reduced buffer area between homes and yards
- Setting a new precedent for future builds. If this style of home were built where the bungalow behind my home is now, it would devastate my back yard atmosphere and shade my shallow rear lot.
- Lack of privacy. No mature trees in rear yard, a raised rear entrance and balcony on 2nd level would overlook a number of our yards
- Style of dwelling – lack of roofline character. What color is the structure? Does it reflect light or is it dark and foreboding as many other new homes seem to be?
- Possible street parking near intersection of Bowes and Elmwood
- Light pollution. I oppose any type of soffit lighting
- Drainage and potential flooding of neighbouring rear back yards in spring due to a lack of green space
- A possible increase in our property taxes because of changes in house sizes in our neighbourhood

Another concern in the last few years has been the constant noise and street navigation from a number of new homes being built on Barton Street. Many have taken a whole year to build and more yet to be built. In the summer of 2020, at the corner of Elmwood and Bell construction vehicles parked illegally near a busy intersection all summer long which made it often unsafe to navigate. On the same corner, two very mature street trees were removed and still have not been replaced. This wouldn't be so bad if the town had been keeping up with the maintenance of the remaining mature street trees on Bell Street between Robert and Elmwood. Many were lost due to the infestation of the Emerald Ash Borer a number of years ago. The few that have been replaced lack character, leaf size and are not being maintained. Some of the trees on Elmwood that were replaced when the road was done around 2016 still have the metal support stakes up and wire is now cutting into the tree bark as they mature. Mature trees, houses with character, large lot sizes and wide streets are what make old Milton so great.

Many of us here on Elmwood have considered moving to newer homes, but ultimately remained here because of the feel of the neighbourhood and a shared respect for each other's values as good neighbours. We all spend a great deal of time in our yards where we raised our families and forged friendships that remain to this day. We park in our driveways rather than on the street, we enjoy the birds in our mature trees and we look after our properties. This is what keeps us here in old Milton. So often now what we see are people using our neighbourhood as an opportunity to make money by rebuilding and then selling rather than build to remain and enjoy. We who stay appreciate having an opportunity to comment on what goes on here. I urge town council to preserve our neighbourhoods and mature trees before it's too late.

In summary, **I do not support this request for exemption.** I look forward to seeing what comes of Phase 2 and 3 of the Mature Neighbourhoods Study.

Sincerely,

C. Black



## Debbie Johnson

---

**Subject:** FW: Town File ICBL-03/21

---

**From:** Jodie Sales <>  
**Sent:** Wednesday, May 19, 2021 6:16 PM  
**To:** Debbie Johnson <debbie.johnson@milton.ca>  
**Cc:** Barb Koopmans <Barb.Koopmans@milton.ca>; Colin Best <Colin.Best@milton.ca>  
**Subject:** Fwd: Town File ICBL-03/21

Hi Debbie - Just following up to submit this, again. There may have been an error in the email addresses that my neighbours and I used for our submissions, although we never got a bounce back.... Thanks very much,  
Jodie Sales

Hi Debbie, Please find below my comments regarding Request for Exemption to the Interim Control By-law 082-2020, 227 Elmwood Cres (lot 67, Plan 556).

**RE: Request for Exemption to the Interim Control By-law 082-2020 (227 Elmwood Cres)**

As a fifth generation Miltonian, and the homeowner of [REDACTED], I'm writing to you to request that you not grant the exemption to the interim control by-law requested by the applicants for 227 Elmwood Cres.

In my lifetime, I have seen this community change. Council and residents have planned for it, they've talked about it in countless workshops and engagements, and have very thoughtfully identified priorities and locations for growth to build the best community possible.

Over the past several years, "Monster Homes" have become an issue in older areas of the community. My neighbours, many of whom have written to you on this application, have serious concerns about impacts from the proposed development. At almost 6000 square feet, with lower level included, and an upper deck that would look into the backyards of so many, this isn't an application to be taken lightly. It's not a minor variance to the existing site, it a substantial impact to the privacy and quality of life of real people.

When Council took the step to put in place an interim control by law (ICBL), it was a signal to the entire community that we would continue to plan our growth thoughtfully and cohesively. Please allow phases 2 and 3 of the Mature Neighbourhoods Study to be completed before permitting this application to be reviewed.

The ICBL was intended to allow residents time to comment on phases 2 and 3 of the Mature Neighbourhood Study, and allow the Planning Department time to bring forward an appropriate plan for development in our neighbourhood. Pausing to permit proper study was the right thing to do when the ICBL was passed last fall, and it still is. There's no good reason this proposal should be granted an exemption to bypass the process that was proposed only a few short months ago.

Many of my neighbours will comment on the scale, massing and encroachment of this proposed development. Frankly, it's enormous and it's exactly the kind of development proposal that created the concerns that ultimately led to your decision, to pause, consult and develop appropriate policies before more and more Monster Homes were developed.

And so, respectfully, I ask Council not to grant an exemption to the ICBL for this proposal. Let the community come together and talk about its vision. Let your professional planners provide policy to guide our neighbourhood growth as part of a whole community. This is your opportunity to demonstrate your commitment to ICBL and the Mature Neighbourhoods Study.

Thank you,

Jodie Sales

ADDITIONAL NOTE: I think it's important to note that my neighbours are disadvantaged in their ability to comment due to the complicated nature of the ICBL and Mature Neighbourhood Study. I hope I've provided some clarity regarding concerns about abbreviating the proposed process on their behalf. Most of us will provide our comments in writing. For several neighbours, the complication of delegating in a virtual manner due to covid is intimidating or technologically impossible, so please do not underestimate the value of the comments you receive in writing.

## Debbie Johnson

---

**Subject:** FW: 227 Elmwood Cres Milton

**From:** Anne Marie Mountain [REDACTED]  
**Sent:** Tuesday, May 18, 2021 5:49 PM  
**To:** Debbie Johnson <debbie.johnson@milton.ca>  
**Subject:** 227 Elmwood Cres Milton

Hi Debbie. Thanks for taking the time to read this.

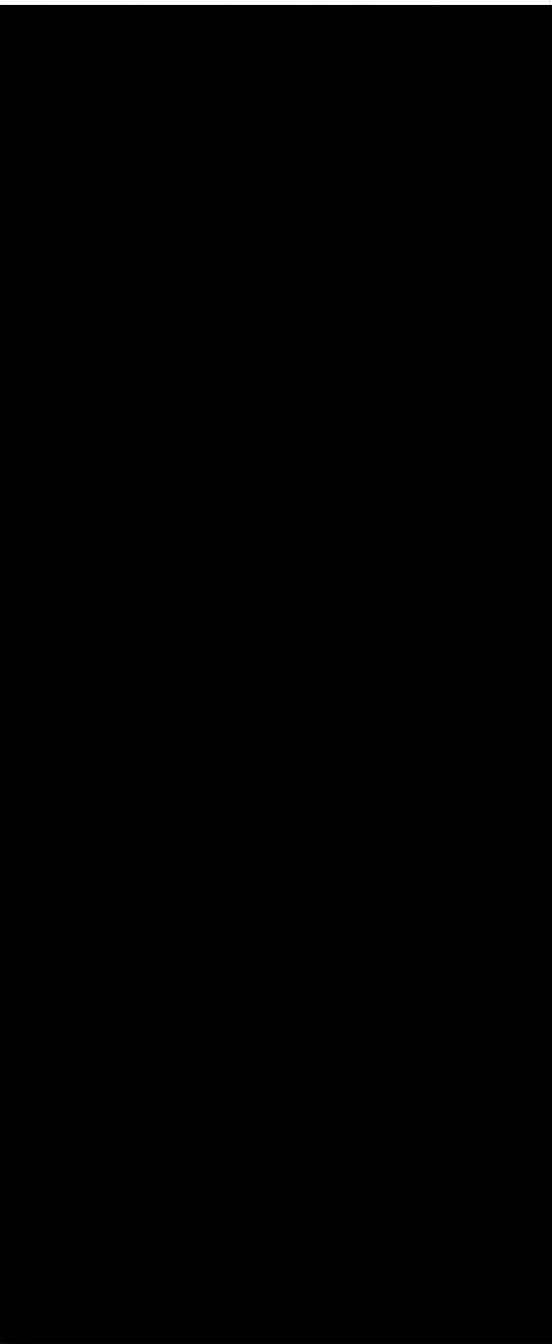
We, Kim and Anne Marie Mountain [REDACTED] are strongly opposed to the application for exemption to bylaw 082-2020. Mountains have lived here for over [REDACTED]. This is well established area of smaller homes. We are not opposed to progress but this proposed monstrosity will do nothing to enhance the neighbourhood and is NOT wanted. It's styling and size are not suitable to the area at all. An almost 6000 square foot house doesn't belong on a town lot surrounded by homes of 1000-2000 square feet. The bylaw 082-2020 says an increase of 25% , no exemptions should be allowed. It will have nothing but negative effects on the area.  
Sincerely Kim and Anne Marie Mountain [REDACTED]

May 16, 2021

**Petition to Town of Milton Council**

Regarding: Request for Exemption to the Interim Control By-law 082-2020 (227 Elmwood Cres)

We, the neighbours of Elmwood Crescent, respectfully ask that you NOT GRANT the request for exemption to the Interim Control By-law (082-2020) for 227 Elmwood Cres.

Name	Signature	Address
FRED G CLARK	<i>[Signature]</i>	
JANET CLARK	<i>[Signature]</i>	
Judie Saks	<i>[Signature]</i>	
Tina Siddik	<i>[Signature]</i>	
JEFF white	<i>[Signature]</i>	
Beatrix <del>Wright</del>	<i>[Signature]</i>	
MARISA JAFFAR	<i>[Signature]</i>	
H. McConnell	<i>[Signature]</i>	
Kim Mountain	<i>[Signature]</i>	
Michelle Viscount	<i>[Signature]</i>	
BARRY COOPER	<i>[Signature]</i>	
CAMERON AMARA	<i>[Signature]</i>	
DEAN PLAMENCO	<i>[Signature]</i>	
CONNIE PLAMENCO	<i>[Signature]</i>	
ELEANOR ORPEN	<i>[Signature]</i>	
TED MEDLAND	<i>[Signature]</i>	
Anne Maria Mountain	<i>[Signature]</i>	
Betty Young	<i>[Signature]</i>	
Terry Young	<i>[Signature]</i>	
Sharon Craven	SHARON CRAV	
Carol Senicar	CAROL SENICAR	
Larry Senicar	LARRY SENICAR	

with  
x  
Reaz

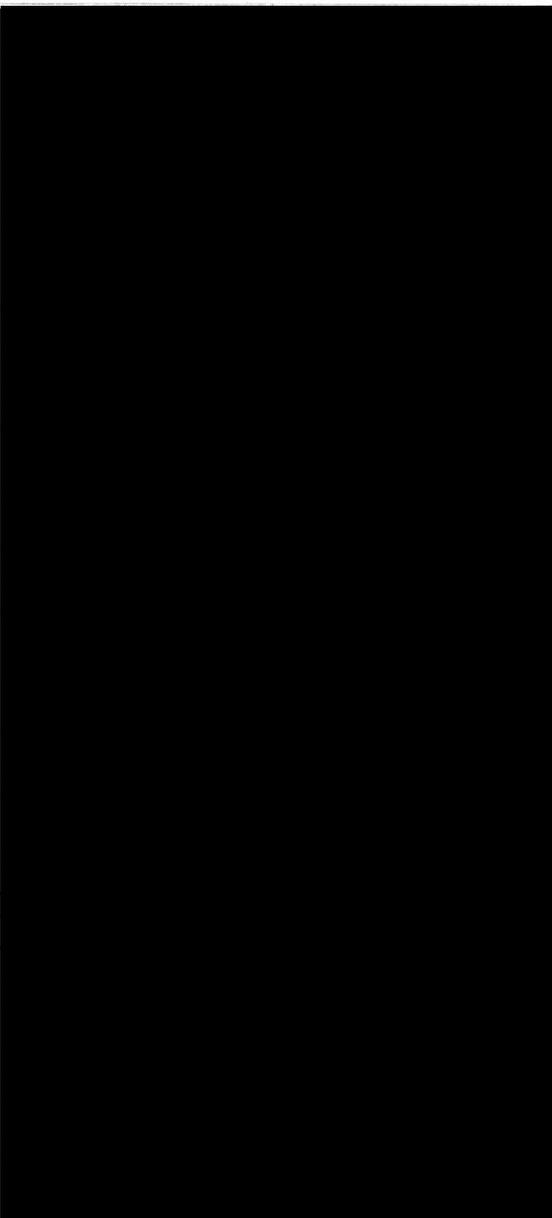
Town  
w-  
r  
P. Pter.  
on  
W  
LTON  
LTON  
LTON  
on  
U  
W  
N

May 16, 2021

### Petition to Town of Milton Council

Regarding: Request for Exemption to the Interim Control By-law 082-2020 (227 Elmwood Cres)

We, the neighbours of Elmwood Crescent, respectfully ask that you NOT GRANT the request for exemption to the Interim Control By-law (082-2020) for 227 Elmwood Cres.

Name	Signature	Address
G. DAVIS		
A. Davis	Adelle Davis	
F. Delost	Delost	
K. Grieco	KG	
L. Davis	L. Davis	
N. Vrba	NV	
K. Moore		
K. Murray		
N. Black	NB	
J. Hayhoe		
G. Black		
R. Chlon		
R. Smolan		
C. Chlon	C. Chlon	
W. Payne	W. Payne	
B. Payne	B. Payne	
Teel Szczucki		
Trevor Szczucki		
Jen Szczucki	Jen Szczucki	
Crystal Clark		

eS.

## Debbie Johnson

---

**Subject:** FW: 227 Elmwood Crescent (Lot 67, Plan 556)

**From:** Ted Szczucki [REDACTED]  
**Sent:** Sunday, May 16, 2021 5:59 PM  
**To:** Debbie Johnson <debbie.johnson@milton.ca>  
**Subject:** 227 Elmwood Crescent (Lot 67, Plan 556)

With regards to:

Request for Exemption to the Interim Control By-law 082-2020

227 Elmwood Crescent (Lot 67, Plan 556)

Town File: ICBL-03/21

Debbie,

I am not in favour of the exemption. The Mature Neighbourhood Study needs to be completed first. There have already been too many new “monster” homes going up in the neighbourhood. These homes have a positive effect on only the new home owners while they have a negative effect on everyone else. The Town of Milton needs to look out for long time home owners who are becoming victims of wealthy self serving people who buy property next to them.

The next door neighbours on the sides and at the back of the monster homes suffer from a lack of privacy plus they encounter a devaluation of their property. The small home which was once charming starts to look ridiculous next to the big home. It almost looks like a garage. The corner house on Bowes and Barton (SW corner) is an example of this (I'd be furious if that was me). The one remaining home on the south side of Barton west of the three new homes will also begin to look ridiculous once two big homes are built on the vacant lots next to it.

The new home on 227 Elmwood will leave the owners of [REDACTED] with a big wall to look at from their back porch. A shame after they have enjoyed their backyard for over [REDACTED]. I expect their home to go down in value. This is not fair to them.

The new home plans for 227 Elmwood include an upper balcony at the back of the house. I sincerely hope that this does not proceed. It invades the privacy of at least 10 neighbours in their backyards.

Regards,

Ted Szczucki

[REDACTED]

[REDACTED]

2021 05 12

Town of Milton  
150 Mary Street  
Milton ON L9T 6Z5

Attention: Debbie Johnson, Planning Administrator

Re: **Request for Exemption to the Interim Control By-law 082-2020**  
Location: 227 Elmwood Crescent (Lot 67, Plan 556)  
Town File: ICBL-03/21

---

Firstly I would like to thank you for giving us the opportunity to comment on the above noted.

As a resident of this street for [REDACTED] news of this type of 'minor' variance is very disturbing. The residents of Elmwood Crescent take pride in their property and their neighbours...it is an older section of Milton with much character. We are happy in our 'little' homes and do not require 1000's of square footage to make a 'home'.

Quite frankly this type of redevelopment screams 'bullying' in my opinion. And it is seen as a direct insult into the neighbourhood. A 'rebuild' is fine, we realize life is about progress...but 4100 square feet...not including the basement is just not acceptable.

The following are our objections for the above mentioned exemption:

1. The average home on Elmwood Crescent is 1200 square feet. 4100 square feet plus basement equalling approximately 6000 square feet is NOT a minor variance. It would definitely NOT blend into existing character of the neighbourhood
2. This is above and beyond the 25% rebuild allowed under interim By-Law 082-2020
3. With almost 6000 square feet, can we be assured this will be a single family dwelling?
4. The size of the building will no doubt give the immediately surrounding neighbours considerable concern for their privacy. A large "Monster" house with second storey giving the owners a very clear view of their neighbours property and into their windows is very concerning
5. The ICBL was intended to allow residents time to comment on phase 2 & 3 of the Mature Neighbourhood Study, and allow the Planning Department time to bring forward an appropriate plan for development. Pausing to permit proper study was the right thing to do when the ICBL was passed last fall. Why would this proposal be giving consideration for an exemption to bypass the process that was proposed?
6. What are the water/wastewater consumption for this type of rebuild? Has the additional water intake been approved?
7. Bottom line this "Monster" house would destroy the integrity of the neighbourhood, and we are strongly against it. If someone desires this type of home, their best interests would be building in the countryside where it would blend in more appropriately

As I am sure some of my fellow neighbours have identified, a few of the residents on Elmwood Crescent are not in a position to technically support their views, as they lack the technology to attend virtual meetings, or response via email....it is hoped that this is given consideration.

Again thank you for the opportunity to comment on this opposed exemption. It is time to stop circumventing the rules

Respectfully submitted for your consideration

Terry & Betty Young

[REDACTED]  
[REDACTED]

May 17, 2021

Planning Administrator  
Debbie Johnson

Re: Request for Exemption to the Interim Control By-Law 082-2020  
227 Elmwood Cres (Lot 67, Plan 556)  
Town File: ICBL-03/21

Dear Town Council Members:

I am writing you with respect of request for variance on the above new build property. We live directly next door at [REDACTED]. The back of our house faces directly to this property.

We would be impacted directly by the loss of morning sunlight on our back deck. All mature trees were just recently removed which will now leave us a view of only this massive structure which is to be built much closer to our fence line and extend the entire expanse of our back yard view and significantly higher than the current building.

Having lived on Elmwood Crescent for the past [REDACTED], we have now witnessed this crazy explosion in Old Milton to tear down old houses and build back these massive mansions. We have watched the builders move in for the minimum required time to avoid capital gains taxes and then place the property up for sale. They appear to have no interest in getting to know their neighbors to consider the impact of these massive builds or contribute to the community that is "Old Milton".

These houses are better suited for "Estate Subdivisions" where the lots are bigger and the house does not impact their neighbors. This is most likely where a builder/developer would want to live.

Respectfully, we do not support this request for exemption.

Sincerely,

[REDACTED]

Brian & Wendy Payne

[REDACTED]