



**The Corporation of the
Town of Milton
Committee of Adjustment Minutes**

May 25, 2023, 6:00 p.m.

Members Present: Chair Kluge, Tyler Slaght, Christopher Trombino, Salman Ellahi

Members Absent: Tharushe Jayaveer

Staff Present: Greta Susa, Serena Graci, Natalie Stopar, Rachel Suffern

The Committee of Adjustment for the Corporation of the Town of Milton met in regular session. Electronically via Live Streaming Video.

1. AGENDA ANNOUNCEMENTS / AMENDMENTS

2. DISCLOSURE OF PECUNIARY INTEREST

Member Tyler Slaght declared a pecuniary interest in regard to item 5.4, file A23-029/M, address: 13318 First Line.

3. MINUTES

BE IT RESOLVED THAT

1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, April 27, 2023, BE APPROVED.

Carried

4. HOUSEKEEPING

Chair Kluge provided an overview of the housekeeping items.

5. ITEMS FOR CONSIDERATION

5.1 A22-038/M - 329 Kingsleigh Court

Sean Macdonald, agent for the applicant, address: 70 Main Street North, Campbellville provided an overview of the application.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A22-038/M) for 329 Kingsleigh Court in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the single detached dwelling shall be generally located and constructed in accordance with the site plan and building elevations, prepared by Jeff Jansen Consulting, date stamped by Town Zoning on April 12, 2023.
2. That a building permit be obtained within two (2) years from the date of this decision.
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.
4. That prior to building permit issuance, the Owner provide a Stormwater Management Brief to the satisfaction of Development Engineering Staff.
5. That prior to building permit issuance, the Owner provide a Detailed Grading Plan, in accordance with Town's Standard No. E-18 Urban Infill Lot Grading Plan, to the satisfaction of Development Engineering Staff.

Carried

5.2 A23-031/M - 2040 15 Side Road

Scott Bingham, owner, address: 2040 15 Side Road, Moffat provided an overview of the application.

Questions to the owner

Member Ellahi inquired about what was the purpose of the unheated addition. Owner Bingham stated the addition has a gas fireplace, which was keeping with the footprint and preserving theme of the house - being an older home. Member Ellahi inquired, whether or not it is then a heated

addition since there is a gas fireplace inside. Owner Bingham stated this it is indeed a heated addition.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23 – 031/M) for 2040 15 Side Road in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That a building permit application be obtained within two (2) years from the date of this decision.
2. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met and/or a building permit is not secured.

Carried

5.3 A23-030/M - 101 Nipissing Road

Nancy Frieday, agent for the applicant, address: 162 Locke Street South Suite 200, Hamilton provided an overview of the application.

Questions to the agent

Member Ellahi inquired about the requested reduced visitor parking rate by 0.03 spaces for 726 residential units, and how much would the reduction of the total spaces be. Agent Frieday declared she did not have that information on hand. Member Ellahi stated his colleague did a calculation, in which approximately 22 visitor parking spaces would be reduced.

Questions to planner Stopar

Chair Kluge inquired whether or not the committee will see more applications such as this one. Planner Stopar declared it is possible the committee will have one or two more of these types of applications come through, where Council has already approved an OPA and Zoning By-law.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-030/M) for 101 Nipissing Road in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That a building permit application be obtained within two (2) years from the date of this decision.
2. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

Carried

5.4 A23-029/M - 13318 First Line

Frank Oudesluys, owner, address: 13318 First Line, Moffat, provided an overview of the application.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23– 029/M) for 13318 First Line in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the accessory structure shall be generally located and constructed in accordance with the site plan prepared by Ontario Drafting Services, date stamped by Town Zoning on April 5, 2023.
2. That a building permit application be obtained within two (2) years from the date of this decision.
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

Carried

5.5 A23-032/M - 6390-6400 Fifth Line

Gerry Tchisler, agent for the applicant, address: 442 Brant Street, Suite 204 provided an overview of the application.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-032/M) for 6390-6400 Fifth Line in the Town

of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The no trees be permitted within the storm sewer easement along Fifth Line.
2. That a building permit application be obtained within two (2) years from the date of this decision.
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

Carried

5.6 A23-033/M - 1010 Vickerman Way

Gregory Fiet, agent for the applicant, address: 10-5420 Finch Avenue East, Scarborough, provided an overview of the application.

Questions to Agent Fiet

Member Trombino inquired about the drawings shown by Agent Fiet, and whether the variances being proposed is indeed the grass area drawings presented by agent Fiet, or if the proposed variances is the drawings the committee received well in advance, that being the existing paved front lawn to remain. Agent Fiet clarified, stating the drawings he displayed was rather a suggestion, to minimize the impact of the paved front lawn, while still having the concrete impact, should they be in the position to ask the owner of the property to remove the concrete.

Member Ellahi inquired, how will they cut the existing concrete on the paved front lawn and keep the remaining portion as it is. Agent Fiet claimed, the cutting of the parliamentary is not the problem, as the thickness is 3.5 inches. Member Ellahi also questioned if you need a curb cut, when you are increasing the width of a driveway. Agent Fiet claimed the existing paved front lawn is not considered a part of the driveway, as the owner has no intention to drive over this surface. Rather, it is a safe environment in terms of holding a daycare.

Public Participation

Marie, address: 1017 Vickerman Way, stated her concern is the paved front lawn being used as a place for cars to be parked.

Mohammed, address: 903 Vickerman Way, complemented the work at 1010 Vickerman Way. He believes the implementing the curb cuts would take away the look of the property. He also sees extra value in using the paved front lawn as an extra parking space for a vehicle. For a comparison, Mohammed stated when he first moved to 903 Vickerman Way, he got a driveway extension done as well, not knowing the By-law at the time. Since he did not have a minor variance, which at the time he was unaware of, he had to perform a curb cut to reduce the size of the concrete, which took away the additional parking spot.

Questions to Planner Stopar

Member Ellahi expressed his concerns, that if the committee allows the owner to keep the width of their driveway that they will need a curb cut permit, and if so, will that be an added condition if the variance is approved by the committee. Planner Stopar stated, the zoning by-law has the 8 metre width because it is permitted for a range of different lot sizes, thus if an owner wanted to increase their driveway within the permitted width of the zoning by-law, they would need a curb cut permit. Which would be applied with the engineering department and engineering staff would cut the curb. Member Ellahi then inquired if they would need to add the condition of the curb cut permit into the approval process. Planner Stopar claimed changes to the recommended conditions would have to be made by the committee. If the committee voted to permit the paved front lawn as existing, the committee could add the condition that a curb cut permit be obtained. If the committee wanted to deny those variances to permit the driveway widening, then there would not be a need for the curb cut permit condition. Member Ellahi also expressed his concern, by allowing owners to have a paved front lawn, sooner or later they would use it as a parking space.

Chair Kluge commented on the fact he did a site visit of the property and noticed other properties that a similar paved front yard, which he is concerned about. He stated by paving over the front lawn, it is doing a disservice, and it is also a part of a bigger, broader picture, such as playing its part in climate change. He also stated the backyard is also paved, thus if you have both the front lawn and backyard paved, then where does the water go. In his opinion, the water would flow off onto neighbouring properties, and the town's storm water management system. Thus, if everyone paved their front lawns and/or backyards the towns storm water management system would be overtaxed.

BE IT RESOLVED THAT

Under Section 45(1)(2) of the *Planning Act*, the following minor variance for application 1010 Vickerman Way, –File (A23-033/M) in the Town of Milton **BE APPROVED**

Variance:

1. To permit a minimum rear yard setback of 3.58 metres, whereas a minimum rear yard setback of 7.0 metres is required.

SUBJECT TO THE FOLLOWING CONDITIONS:

Conditions:

1. That the sunroom addition shall be located and constructed in accordance with the site plan and building elevations, prepared by CADK, and date stamped by Town Zoning on April 20, 2023.
2. That the North-West side elevation be constructed with a solid wall.
3. That a building permit application be obtained within two (2) years from the date of this decision.
4. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.
5. That the existing driveway be reduced to comply with the maximum driveway width regulations within the Zoning By-law.
6. That the driveway widening within the interior side yard be removed and the minimum required pervious landscaped surface within the interior side yard be reinstated in accordance with the Zoning By-law.

Carried

BE IT RESOLVED THAT

Under Section 45(1)(2) of the Planning Act, the following minor variance for application 1010 Vickerman Way, –File (A23-033/M) in the Town of Milton **BE DENIED**

Variance:

1. To permit a residential driveway width of 11.84 metres, whereas a maximum driveway width of 8.0 metres; and
2. To permit a minimum permeable residential landscape surface of 0.23 metres abutting the left side lot line and 0.13 metres abutting the right side lot line, whereas a minimum width of 0.60 metres is required abutting both interior side lot lines.

Carried

6. NEXT MEETING

Thursday, June 29, 2023 commencing at 6:00 p.m.

7. ADJOURNMENT

There being no further business to discuss the Chair adjourned the meeting at 6:53 p.m.

Serena Graci, Secretary Treasurer