



The Corporation of the  
Town of Milton  
Committee of Adjustment and Consent

Thursday, May 25, 2023, 6:00 p.m.  
Council Chambers - In Person

The Town of Milton the Committee of Adjustment and Consent (COA) are in person. Applicants and interested parties can participate in person at Town Hall, Council Chambers, 150 Mary Street.

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6. NEXT MEETING
7. ADJOURNMENT



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

**April 27, 2023, 6:00 p.m.**

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

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

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

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**1. AGENDA ANNOUNCEMENTS / AMENDMENTS**

There are no agenda announcements/amendments.

**2. DISCLOSURE OF PECUNIARY INTEREST**

Member Ellahi Declared a pecuniary interest for item 5.4, file number A23-028/M for 10 Court Street North, Milton.

**3. REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS**

There are no requests for deferral or withdrawal of applications.

**4. MINUTES**

**4.1 Minutes of Committee of Adjustment Hearing held on Thursday March 30, 2023.**

**BE IT RESOLVED THAT**

1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, March 30<sup>th</sup> 2023 BE APPROVED.

**Carried**

## 5. **ITEMS FOR CONSIDERATION**

### 5.1 **A23-027M - 252 Oriole Court**

Jennifer Thomas, the applicant, address: 252 Oriole Court 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 (A23-027/M) for 252 Oriole Court in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the gazebo shall be generally located and constructed in accordance with the site plan and building elevations, prepared by SAUZTEQ Engineering Inc. and Caledon Timber Frames, date stamped by Town Zoning on March 27, 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**

### 5.2 **A23-026M - 130 Thompson Road South**

Gabriel DiMartino, the agent for the applicant, address: 8700 Dufferin Street, Vaughan, provided an overview of the application.

#### **Questions to Agent DiMartino**

Member Trombino inquired about which part of the building was the 20 metre setback to. Agent DiMartino stated, it is to the closest residential unit, which would be Townhouse unit #1.

Member Ellahi inquired about whether the 20 metre setback is from Tower one to Tower two. Agent DiMartino clarified the 20 metre setback is from the closest residential unit from the South property line.

Member Ellahi asked agent DiMartino, in reference to variance #6 if he could clarify which balconies are coming under the mixed-use. Agent DiMartino stated this is one of the new requirements under the MTSA

Zoning By-law, which only allows balconies in front yards for mixed-use development. According to rendering #3, the previous By-law would only permit balconies fronting in the front yard. Since the development has balconies on all four corners of the building, that is the relief that is being requested.

Member Ellahi asked agent DiMartino to further clarify the interpretation of variance #6, and whether he is requesting balconies on the main, second and third floor where there are commercial uses as the variance is requesting balconies in the mixed use building. Agent DiMartino stated, the entire project is a mixed-use building by virtue of the fact it is a project of the whole, as there is 12,000 square feet of ground floor commercial uses, which deemed to be a mixed-use project for the entire site.

Member Trombino asked agent DiMartino in regards to variance #9, to explain the rationale behind reducing the amount of parking spots for all three buildings combined. Agent DiMartino claimed when the previous owner submitted their application there were extensive parking studies. With the undertaking of the MTSA boundary, Town Council saw fit to reduce the parking standard.

### **Public Participation**

Katie Butler, the agent for CP Reit Ontario Ltd and Loblaws Inc - whom are the landowners of 120 Thompson Road South and 820 Main Street East, owning the Superstore and related retail uses adjacent to the proposed development. In 2019, when the lands were first approved to have sensitive residential uses in close proximity to CP Reit Ontario Ltd and Loblaws Inc, the adjacent land owners appealed to the Ontario Land Tribunal and then the Local Planning Tribunal, in which time they were able to solve the appeal through an agreement. Part of the agreement included complex noise mitigation and solar mitigation measures. The Superstore has solar panels at the top of the building which could be impacted by shadows from tall towers at the adjacent proposed development. In addition, the ordinary operations of the superstore makes noise, such as noise within the loading area (truck backup beepers), generators on rooftops of the buildings, etc - which is in accordance with the noise, By-law. In 2019, there were experts who studied to determine what was necessary to ensure the proposed development was compatible with the existing Superstore and its operations, in which they came to an agreement. The current variances requested, proposes to change some of the aspects of that agreement, thus the agent's client is concerned that the

new requested variances have not been sufficiently studied from a compatibility perspective given that the agreement between the parties was in relation to the prior approved instruments. The changes to the proposed variances include, an increase in the height, which may impact the solar panels on the Superstore's rooftops. The addition of the outdoor living areas of the proposed townhouses at grade may mean you may end up hearing noise from the noise of the Superstore's operations. The agent has requested the committee defers the application for 30 days, so her clients have time to study the new proposed variances to make sure they are still compatibility with the newly proposed variance. Lastly, Katie Butler stated the official plan requires compatibility be ensured with existing uses when introducing intensification of a residential nature particularly, when it is on a non-residential site previously, in which compatibility has not been ensured.

#### **Questions to member of the public**

Member Ellahi inquired if the requested 30-day deferral would be a sufficient timeframe. Katie Butler confirmed they didn't have enough to study the new proposed variances and are asking for a minimum 30-day deferral.

#### **Questions to Planner Suffern**

Member Jayaveer inquired about whether it was because of the new By-law that came out through the MTSA study that the applicant is now introducing the townhouse use in their application. Planner Suffern claimed through the initial OPA and ZBA the applicant was permitted up to 810 units, thus the introduction of the townhouse dwellings does help them achieve that total. The inclusion and update of the definition of the mixed-use building also assists the applicant in achieving the placement of the townhouse units. The townhouse units could have been permitted prior to the updated zoning By-law should they have been placed differently on the site.

Member Ellahi inquired if a 30 day deferral is a sufficient time frame, and if it is going to adversely affect the application process. Planner Suffern claimed there is currently a concurrent site plan application being considered, in which a re-submission is required. The applicant is waiting to re-submit once the variances are approved just in case there needs to be any updates or alterations to the site plan.

Member Ellahi also inquired about the solar panels on the adjacent property (Superstore) and whether or not a shadow study was completed for this project. Planner Suffern stated there was a shadow study completed and submitted through the concurrent site plan application, in which Engineering staff are satisfied.

Member Trombino inquired about proposed variance #9, and if in Planner Suffern's experience is she has seen issues forthcoming with parking rates of this amount. Planner Suffern stated the MTSA By-law is fairly recent at the Town and there hasn't been a development completed under this parking rate. However, those rights have been established as a right through MTSA. Through MTSA that permits this parking rate, there were comprehensive parking reports and studies done, and further the applicant did provide rationale and justification as to why their development does support the parking requirements that are being requested.

Member Slaght inquired, that if the issues raised by the public this evening have been or will be reviewed by the Site Plan review. Planner Suffern stated, there has been a noise and vibration study that was submitted in part with the Site Plan application that has been peer reviewed, thus planning staff are satisfied in that regard. There was a holding provision placed on the site, to give the applicant time to complete the study. Through the removal of that holding, they were satisfied on a staff and council level that the issues and concerns were resolved.

Chair Kluge asked agent DiMartino if he would be willing to entertain a deferral. Agent DiMartino stated his preference is not to have a deferral because everything that the municipality and the committee has reviewed has satisfied any of the concerns Miss Butler has put forward. Council and Staff saw fit to remove the holding provision, and they are still going through Site Plan approval. His concern with the deferral is, it sets them actually two months back, with the 20 day appeal period, and there is no guarantee in a month from now they will come to an agreement with the adjacent landowners, Miss Butler and her client may wish to request further deferral.

Member Jayaveer asked Planner Suffern to provide more information about the holding removal. Planner Suffern stated upon the original zoning By-law amendment, there was a holding provision placed on the property, to give the applicant time to complete certain provisions, one of those provisions being noise. The holding was lifted by Town Council on March 6th, 2023, at which time the applicant provided a noise and vibration study

which was peer reviewed, in which they were satisfied that all the provisions and criteria and the intent of the holding were met.

Member Jayeveer inquired if there was a notification process when the holding provisions were lifted. Planner Suffern stated in accordance with the Ontario regulation pertaining to zoning By-law amendments, notice is given to the owners of the subject property, along with the clerk of both the local and upper tier municipality. Through the formal zoning By-law amendment process, notice would have been granted to surrounding landowners.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23– 026/M) for 130 Thompson Road South in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That Site Plan Approval be granted prior to Building Permit Issuance.
2. That a Building Permit be issued 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**

**5.3 A23-025M - 4192 15 Side Road**

Arlene Beaumont, agent for the applicant, address: 2140 Winston Park Drive suite 26 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 (A23-025/M) for 4192 15<sup>th</sup> 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 a CH permit be obtained from Conservation Halton for the proposed development; and;
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

**Carried**

#### **5.4 A23-028M- 10 Court Street North**

Muhammed Faisal Zia, applicant, address: 10 Court Street North 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 (A23-028/M) for 10 Court Street North in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the expansion to the legal non-conforming single detached dwelling be in accordance with the plans submitted by Shafe Inc. and stamped by Town of Milton Zoning staff on March 27, 2023;
2. That a building permit application be obtained within two (2) years from the date of this decision;
3. That a curb cut entrance permit be obtained; and
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.

**Carried**

#### **6. NEXT MEETING**

Thursday, May 25, 2023 commencing at 6:00 p.m.

7. **ADJOURNMENT**

There being no further business to discuss the Chair adjourned the meeting at 6:54 p.m.

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Serena Graci, Secretary Treasurer



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A22-038M - 382 Kingsleigh Court

#### General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 016-2014, as amended, has been requested to:

- Allow a maximum lot coverage of 35.1%, where as the Zoning By-law currently permits 30% (an increase of 5.1%).
- Allow a minimum interior side yard of 1.28 metres on one side and 1.55 metres on the other side, where as the Zoning By-law requires a minimum interior side yard of 1.8 metres (a reduction of 0.52 metres and 0.25 metres).

The subject property is known municipally as 382 Kingsleigh Court and is legally described as Lot 90 on Plan 558. Surrounding land uses are primarily low-density residential, parkland and an elementary school.

The applicant initially applied for a minor variance in June 2022 and deferred the application to address Conservation Halton comments. Since such time, the applicant has worked with conservation staff to provide a revised proposal which is now before the Committee of Adjustment for consideration.

#### Official Plan Designation (including any applicable Secondary Plan designations):

The subject property is designated as Residential on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan. The Residential designation permits a range of residential uses, such as a single detached dwelling, semi-detached dwelling and associated structures.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended.

#### Zoning:

The subject lands are zoned as special Residential Low Density II (RLD2\*299). In this zone, single detached dwellings, semi-detached dwellings and accessory structures are permitted. While not impacting the relief being requested, the special provisions associated with this zone speak to front yard setbacks.

#### Variance One - Lot Coverage

Section 6.2 Table 6B-1 (I) of the Zoning By-law permits a maximum lot of coverage of 30% for a lot having an area of less than 660 square metres. To accommodate the proposed size of the bungalow, the applicant is requesting a maximum lot coverage of 35.1%.

## Variance Two - Interior Side Yard Setback

Section 6.2 Table 6B-1 Footnotes (f) ii) of the Zoning By-law requires that a single storey dwelling with an attached garage that has a lot frontage that is equal to or greater than 15 metres but less than 25 metres, have a minimum interior side yard setback of 1.8 metres. To accommodate the proposed siting and building envelope of the dwelling, the applicant has requested to reduce the minimum interior side yard setback to 1.28 metres on one side and 1.55 metres on the alternate side yard.

Forgoing the deficiencies noted above, the proposal maintains all other zoning provisions.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, May 10, 2023. As of the writing of this report on, May 17, 2023, staff have not received any comments from members of the public.

### *Agency Consultation*

No objections were filed with respect to the variance application from Town staff or external agencies.

The lands are regulated as a result of flood hazard due to proximity to Sixteen Mile Creek. As such, Conservation Halton has reviewed the application and issued Permit No. 8474.

To ensure the additional lot coverage doesn't negatively impact grading, Town engineering staff requested that the Owner provide a Stormwater Management Brief and a detailed Grading Plan. If the Minor Variance application is approved, planning staff recommend that both documents be a condition of approval and be provided to engineering staff for approval prior to building permit issuance.

## **Planning and Development Department Comments:**

The lands subject to this application are approximately 580 square metres in size and currently contain an existing one-storey single detached dwelling (to be demolished) and two sheds (to be removed). Surrounding land uses include residential (primarily single detached dwellings). The application proposes a new one-storey detached dwelling with an attached garage and deck to the rear.

## Variance One - Lot Coverage

The additional lot coverage being requested accommodates accessible features, along with an increased footprint that provides additional living area, while satisfying Conservation Halton policy as it relates to gross floor area for a dwelling within a regulated area.

The intent of the maximum lot coverage provision is to prevent over-development of a lot and further, to ensure that any development will not negatively impact existing grading and drainage patterns.

In this instance, planning staff are of the opinion that the requested variance is minor and is not considered to be over-development of the property. The proposed dwelling is an appropriate use for the lands and does not disrupt existing neighbourhood built-form. The

applicant has demonstrated that the minimum front yard depth and streetscape can be maintained and an adequate rear yard is provided for.

Existing mature tree coverage contributes to reducing any visual impact that the additional lot coverage may have on adjacent properties in the rear and existing fencing provides additional screening.

Development engineering staff have confirmed that additional information will be reviewed to ensure that no negative grading impacts will occur as a result of this development. Planning staff are satisfied in that regard.

#### Variance Two - Interior Side Yard Setback

The owner has elected to design the dwelling as a bungalow to enhance accessibility of the liveable area, along with satisfying Conservation Halton policies. As such, the applicant requires a reduction in interior side yard setbacks to accommodate the additional gross floor area associated with the bungalow.

The intent of minimum interior side yard setback provisions are to ensure that any development does not negatively impact neighbouring properties in way of views, privacy, and personal enjoyment. Further, it intends to maintain adequate access to the rear yard and appropriate drainage patterns and grading.

In this instance, planning staff are of the opinion that the reduction in interior side yard setbacks are minor and will not impact any of the aforementioned. The resultant interior side yards provide ample access to the rear and will not impact adjacent properties.

The proposal maintains the maximum height provision set-out in the Zoning By-law and uses urban design features that appropriately position the dwelling to reduce any impact on the neighbouring bungalow and two-storey dwelling, despite a minor reduction in interior side yard setbacks.

Based on the aforementioned, planning staff have reviewed the requested variances and offer no objection. The variances are minor in nature, are appropriate for the development of these lands, conform to the Official Plan and maintain the intent of the Zoning By-law.

#### **Recommendation:**

**THAT the application for minor variance 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.

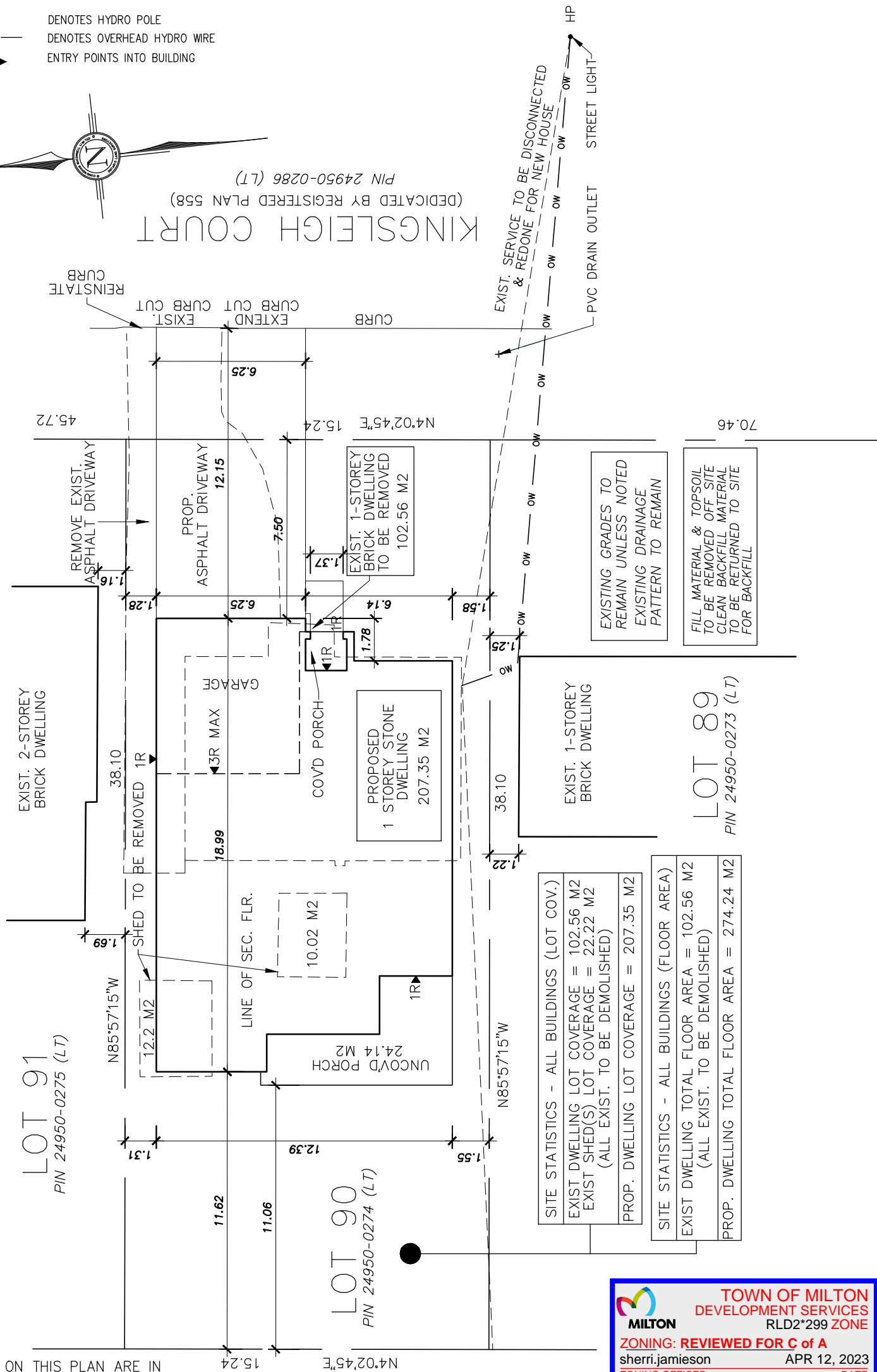
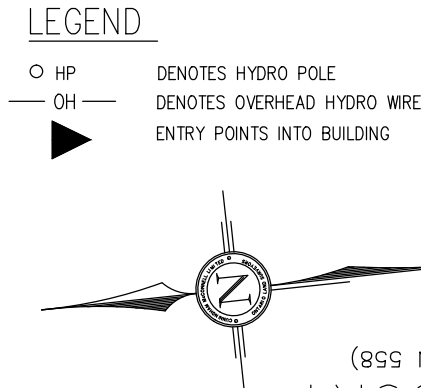
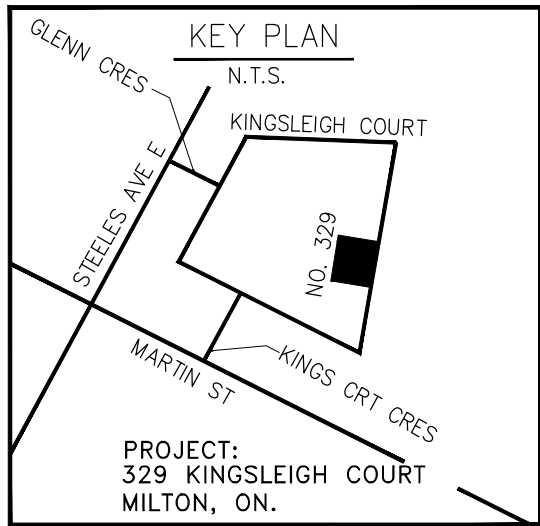
**Rachel Suffern**

Rachel Suffern, MPA, M.Sc. (PI)  
Planner, Development Review


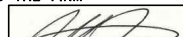
May 17, 2023

# SITE PLAN

	ITEM
A	ZONING CATEGORY
B	LOT AREA
C	LOT COVERAGE
D	PERCENTAGE OF LANDSCAPE
E	MAXIMUM BUILDING HEIGHT FROM GRADE
F	SIDE YARD SETBACKS HOUSE
	INTERIOR EXTERIOR
G	FRONT SETBACK
H	REAR SETBACK



METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

 <p><b>Jansen Consulting</b> DESIGN • CONSULTING • MANAGEMENT</p>		<p>70 Main Street N., P.O. Box 38 Campbellville, ON, L0P 1B0 Ph. 905-854-9696 Fax 905-854-9559 EMAIL : jeffjansendesign@gmail.com</p>		<p>I, JEFF JANSSEN DECLARE THAT I HAVE REVIEWED AND TAKE DESIGN RESPONSIBILITY FOR THE DESIGN WORK ON BEHALF OF JANSEN CONSULTING UNDER DIVISION C, SUBSECTION 3.2.5 AND 3.2.4 OF THE BUILDING CODE. I AM QUALIFIED AND THE FIRM IS REGISTERED SET OUT BY THE O.B.C. QUALIFIED DESIGNER BCIN - 30272 FIRM BCIN - 110042</p> <p>DATE: APRIL 1, 2022 SIGNATURE: </p>		<p><b>SITE PLAN</b></p>		<p><b>OWNERS INFORMATION</b> PAT &amp; MAGDALENA 329 KINGSLEIGH COURT MILTON, ON</p>																		
<p><b>REVISIONS</b></p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>				NO.	DATE	DESCRIPTION													<p><b>PROJECT</b> 2022-003</p>		<p><b>LOCATION</b> MILTON</p>		<p><b>DRAWING</b> SITE</p>		<p><b>MODEL TYPE</b> M-003</p>	
NO.	DATE	DESCRIPTION																								
<p><b>SCALE</b> 1:200</p>		<p><b>DATE</b> APRIL 1, 2022</p>		<p><b>DRAWN BY</b> AS</p>		<p><b>CHK'D BY</b> JJ</p>		<p><b>FILE NO.</b> 2022-003</p>		<p><b>PROJECT NO.</b> 2022-003</p>		<p><b>DRAWING NO.</b> S1</p>														



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A23-031M - 2040 15 Side Road

#### General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 144/-2003, as amended, has been requested to:

- Allow a maximum lot coverage of 17.2%, whereas the Zoning By-law currently permits 10% (an increase of 7.2%).
- Allow an 8.6 metre rear yard setback, where as the Zoning By-law currently requires a minimum of 10.5 metres (a reduction of 1.9 metres).

The subject property is known municipally as 2040 15 Side Road and is legally described as Concession 2, Part of Lot 15 on Plan M464 and Part of Lot 8 on Part 1 of Reference Plan 20R-10137. Surrounding land uses include rural residential and rural natural heritage systems.

#### Official Plan Designation (including any applicable Secondary Plan designations):

The subject property is designated as Hamlet within the Town of Milton Official Plan. The lands are further designated as Hamlet Residential on Schedule C.5.A - Moffat Hamlet Land Use. This designation supports low-density residential uses, included single detached dwellings.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended.

#### Zoning:

The subject lands are zoned as Village Residential (RV) within the Rural Town of Milton Zoning By-law 144-2003, as amended. Within this zone, uses such as a detached dwelling and home occupation are permitted.

The application maintains all zoning provisions, with the exception of the following for which relief is being requested:

#### Variance #1 - Increase in Lot Coverage

Section 6.2 Table 6H of the Zoning By-law states that the maximum permitted lot coverage is 10%. To accommodate the existing addition, the applicant is requesting a maximum of 17.2%.

#### Variance #2 - Reduction in Rear Yard Setback

Section 6.2 Table 6H of the Zoning By-law states that the minimum required rear yard setback is 10.5 metres. To accommodate the siting of the addition, the applicant is requesting a minimum rear yard setback of 8.6 metres.



## Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, May 10, 2023. As of the writing of this report on, May 17, 2023, staff have not received any comments from members of the public.

### *Agency Consultation*

No objections were filed with respect to the variance application from Town staff or external agencies.

The lands are subject to Conservation Halton review due to a Provincially Significant Wetland. The applicant obtained a Development Permit from Conservation Halton for the works and as such, conservation staff have no objection to the approval of this application given that the works were completed in accordance with their approval.

The property is a Listed Heritage Resource on the Town of Milton's Heritage Registrar. Policy Planning staff have been consulted and offer no objection to the works completed, nor the approval of this application.

### **Planning and Development Department Comments:**

The applicant has requested a minor variance to accommodate a rear addition to an existing dwelling at 2040 15 Side Road. The lands also contain a pool and accessory structure.

The addition was constructed in 2018 and the applicant is seeking to legalize the structure through this application - should the minor variance be granted, a Building Permit would subsequently be issued.

Given the lot size is smaller than surrounding properties, planning staff recognize the allotted lot coverage is therefore minimal and required setbacks limiting. The proposal does not impede adjacent lands in way of privacy and personal enjoyment, nor does it negatively impact existing grading plans. The surrounding natural heritage features and wetland are not impacted by the proposal.

Based on the aforementioned, planning staff are of the opinion that the relief being requested is minor in nature, desirable for the development of the subject lands, conforms to the Official Plan and maintains the intent of the Zoning By-law. As such, planning staff offer no objection to the approval of this application.

### **Recommendation:**

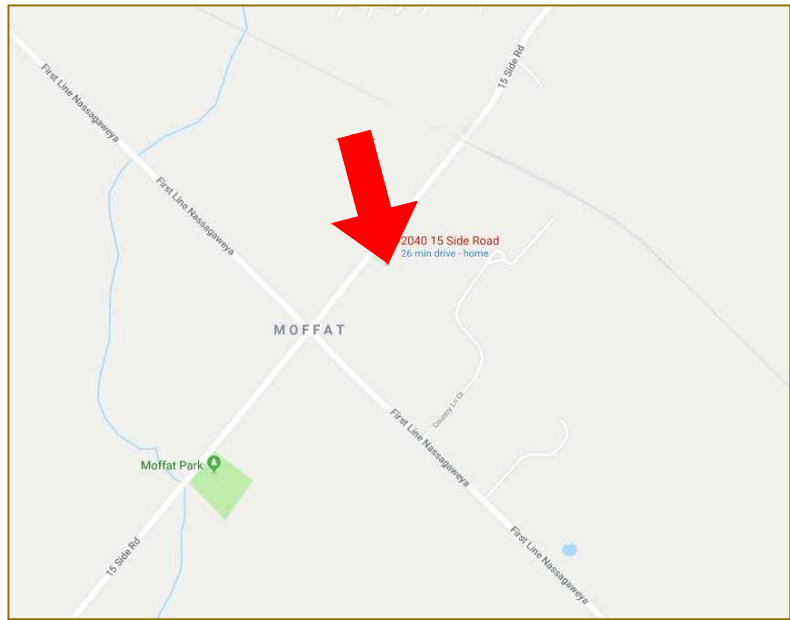
**THAT the application for minor variance BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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.

**Rachel Suffern**

Rachel Suffern, MPA, M.Sc. (PI)  
Planner, Development Review

May 17, 2023

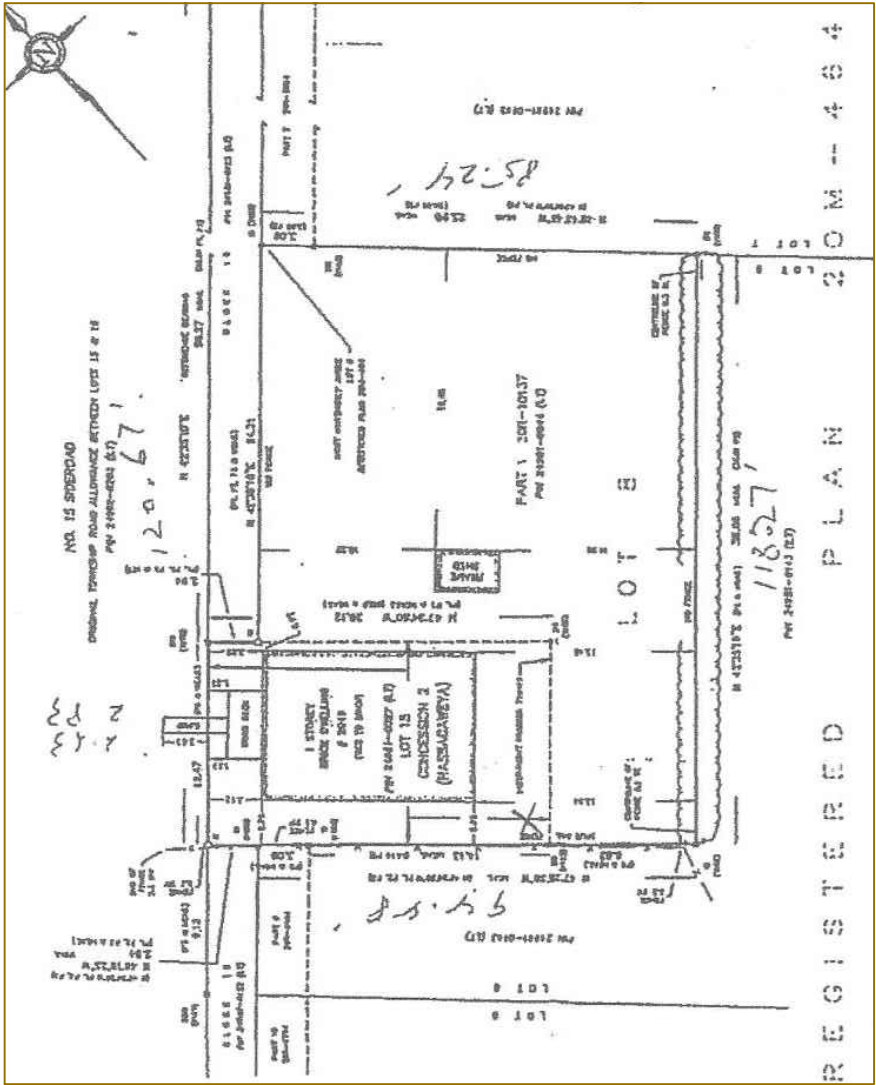


Site Map Location

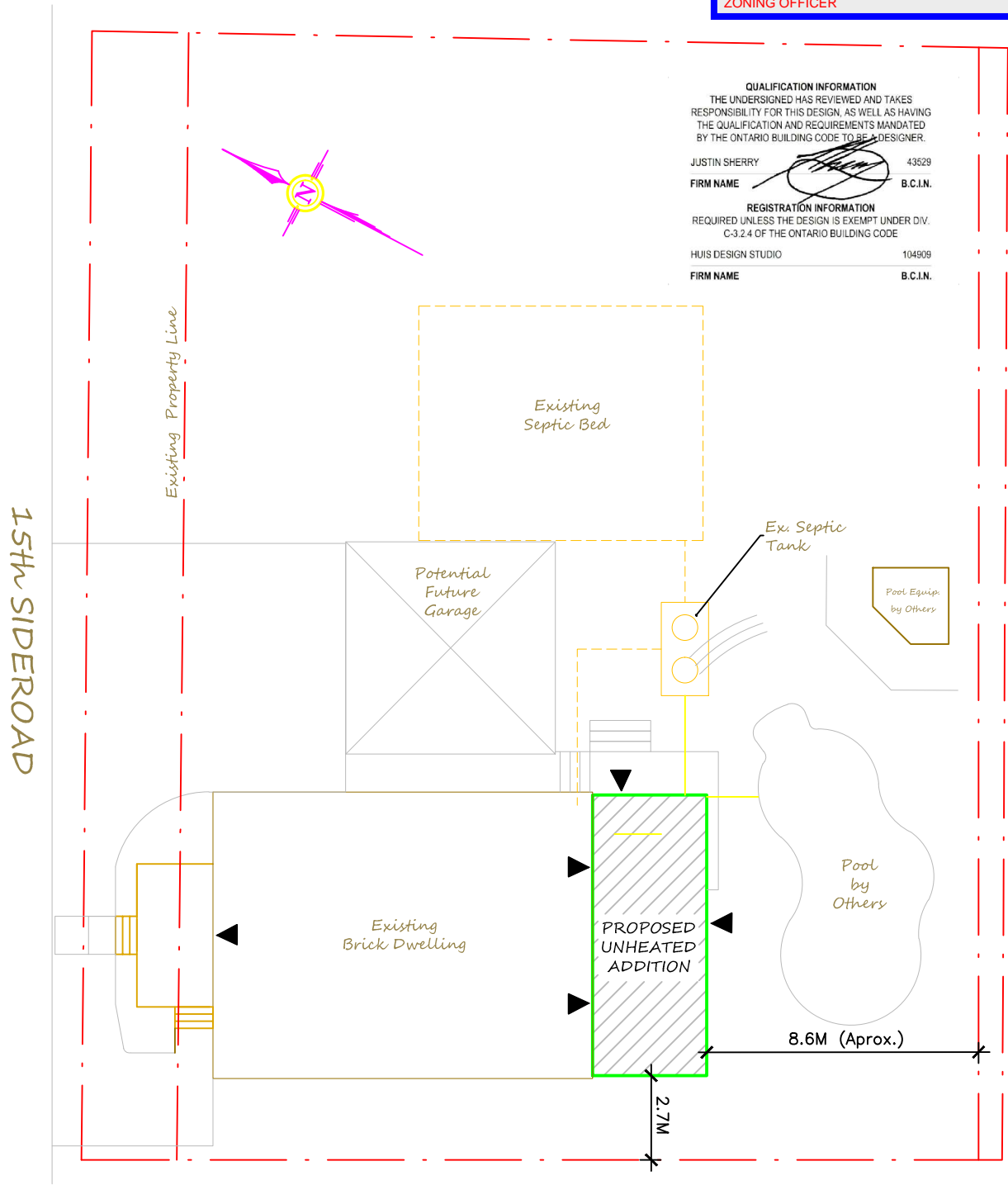
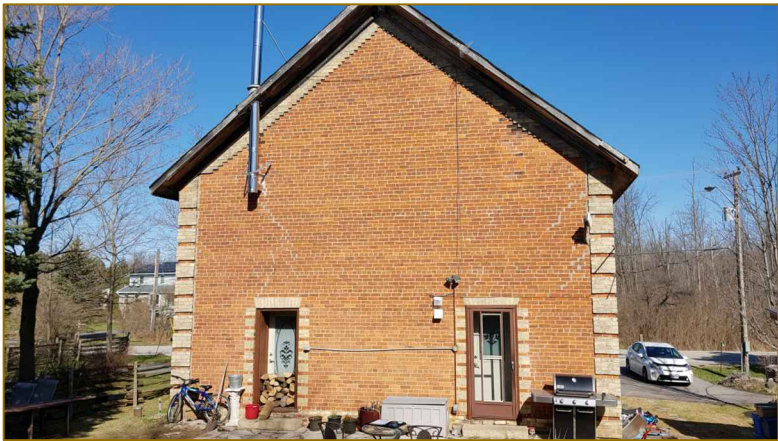


Information for this Site Plan taken from Plan provided by Cunningham McCONNELL Ltd. OLS. Part of Lot 8, Plan 20M-464 Town of Milton, Municipality of Halton

Site Area = 9,849 sq.ft. (915 sq.m.)  
Existing House Footprint = 1,202.7 sq.ft. (111.73 sq.m.)  
Existing Front Porch = 138 sq.ft. (12.82 sq.m.)  
PROPOSED UNHEATED ADDITION = 354 sq.ft. (32.9 sq.m.)  
Proposed Lot Coverage = 17.2%



Original Site Plan



Proposed Site Plan



TOWN OF MILTON  
DEVELOPMENT SERVICES  
RV, OS ZONE

ZONING: REVIEWED FOR C of A

Erin.Mariani

ZONING OFFICER

APR 17, 2023

DATE

QUALIFICATION INFORMATION  
THE UNDERSIGNED HAS REVIEWED AND TAKES RESPONSIBILITY FOR THIS DESIGN, AS WELL AS HAVING THE QUALIFICATION AND REQUIREMENTS MANDATED BY THE ONTARIO BUILDING CODE TO BE A DESIGNER.

JUSTIN SHERRY 43529  
FIRM NAME B.C.I.N.

REGISTRATION INFORMATION  
REQUIRED UNLESS THE DESIGN IS EXEMPT UNDER DIV. C-3.2.4 OF THE ONTARIO BUILDING CODE

HUIS DESIGN STUDIO 104909  
FIRM NAME B.C.I.N.

PROPOSED UNHEATED ADDITION

Work on this Project cannot be started until after Permit has been given.  
All Existing Site conditions shall be checked by the Contractor before new Construction is to begin.  
Any major discrepancies to be discussed with the Property owner or Designer.  
Any changes to the Design, Structural, Area or Ground Coverage shall be approved by the Municipality and all drawings to be updated accordingly.

drawing revision history:

revision issued for	rev no.	date	by

sheet title:

Site Plan

RECEIVED  
TOWN OF MILTON  
AUG 22, 2018  
18-9639  
BUILDING DIVISION

project info:

BINGHAM RESIDENCE  
2040 15th SIDEROAD  
MOFFAT, ONTARIO (MILTON)

date:

APRIL 4th, 2018

designed by:

JB

scale:

1:150

checked by:

JS

project no:  
2018-20

drawing no:  
S1 (1 of 11)



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A-23/030/M 101 Nipissing Road

#### General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 016-2014, as amended, has been requested to permit:

1. A maximum of 726 residential units, whereas a maximum of 677 residential uses are permitted (an increase of 49 units);
2. A minimum of 0.20 visitor parking spaces per unit, whereas a minimum of 0.23 visitor parking spaces per unit is required (a decrease of 0.03 visitor parking spaces per unit);
3. A maximum building height of 22 storeys (69.7 metres), whereas a maximum building height of 19 storeys (60.1 metres) is permitted (an increase of 3 storeys and 9.6 metres);
4. A maximum floor space index of 5.00, whereas a maximum floor space index of 4.73 is permitted (an increase of 0.27);
5. A maximum setback of 17.0 metres for floors above the fifth floor for Building B, whereas a maximum setback of 5.0 metres is permitted for floors above the fifth floor (an increase of 12.0 metres);
6. A maximum setback 7.5 metres for floors above the fifth floor for Building C, whereas a maximum setback of 5.0 metres is permitted (an increase of 2.5 metres);
7. A maximum height of a mechanical penthouse of 6.7 metres, whereas a maximum height of 6.0 metres is permitted (an increase of 0.7 metres); and
8. A rail corridor setback of 20 metres for dwelling units, whereas a rail corridor setback of 19.2 metres is permitted (an increase of 0.8 metres).

The subject property is known municipally as 101 Nipissing Road and is legally described as Part Lot 13, Concession 3 NS Trafalgar Survey. The lands are generally located on the north side of Nipissing Road directly south of the CP Rail tracks. Surrounding land uses include various commercial and industrial uses.

The applicant is proposing to construct a high density residential development that is comprised of three residential buildings connected by an underground parking structure. The buildings are proposed to include a total of 726 dwelling units and range in height from 17 to 22 storeys. The proposal is being reviewed concurrently through Site Plan application SP-33/19.

On August 23, 2021 Town of Milton Council passed Official Plan Amendment No. 68 (File LOPA-04/19) and Zoning By-law Amendment 075-2021 (File Z-02/19) to facilitate the subject development on the lands. Council subsequently approved the Milton Mobility Hub Study and accompanying Official Plan and Zoning By-law amendments on February

28, 2022. Many of the minor variances proposed are to better align the previously approved site specific Zoning By-law amendment with the outcomes of the Major Transit Station Area Official Plan Amendment and Zoning By-law Amendment.

**Official Plan Designation (including any applicable Secondary Plan designations):**

The subject property is designated as Central Business District (CBD) and Milton Go MTSA on Schedule B - Urban Land Use Plan. Schedule C - Central Business District Land Use Plan further identifies these lands as Urban Growth Centre. These designations permit a range of residential, commercial and office uses.

On February 28, 2022, the Town of Milton Council passed Local Official Plan Amendment #70 (LOPA 70) - this amendment implemented the policy direction informed by the Milton Go Major Transit Station Area (MTSA) Study. Policy updates included the addition of height and density limits, along with efforts to enhance the overall MTSA area, with the goal of supporting transit-friendly, complete communities.

On Schedule C.7.A1 CBD Central Business District Secondary Plan Height & Density Limits, implemented through LOPA 70, the subject lands are permitted to have buildings with a maximum height of 23 storeys and a maximum density of 5.0 FSI.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended.

**Zoning:**

The subject lands are zoned as Urban Growth Centre - Mixed Use \*298 (MGC-MU\*298) under the Town of Milton Urban Zoning By-law 016-2014, as amended. This zone permits a range of commercial uses and high-density residential uses.

Relief from the Zoning By-law is required to accommodate minor changes to the building design as reviewed through the site plan control application, and to better align the proposed development with the Milton Go MTSA Study Zoning By-law amendment 089-2022.

Provisions within Zoning By-law Amendment 089-2022 are not automatically applied to these lands as the concurrent Site Plan Application was submitted prior to the date in which By-law 089-2022 came into force and effect. Section 1.11 of Zoning By-law 016-2014 includes a transition provision that permits a Site Plan Application submitted before the date in which new provisions take force and effect, to be considered under the Zoning By-law provisions that were in-effect on the date the application was submitted. Therefore, while the provisions within By-law 089-2022 are not applied to the site, the applicant is seeking relief with respect to variances no. 2 (Visitor Parking Rate), no. 3 (Maximum Building Height), and no. 4 (Floor Space Index) to bring the proposal in compliance with the current as-of-right permissions in By-law 089-2022.

The following variances are being requested:

**Variance 1: Residential Units**

Section 13.1.1.298 ii) a) states that the maximum number of residential units for all phases combined shall be 677 units. The applicant is proposed an increase in the maximum number of residential units to 726 units. An increase of 49 units.

#### Variance 2: Visitor Parking Rate

Section 13.1.1.298 ii) l) states that the minimum number of visitor parking spaces shall be 0.23 spaces per unit. The applicant is proposing to reduce the minimum number of visitor parking spaces to 0.20 parking spaces per unit. A reduction of 0.03 visitor parking spaces per unit.

#### Variance 3: Building Height

Section 13.1.1.298 ii) k) states that the maximum building height shall be 19 storeys (60.1 metres). The applicant is proposing to increase the maximum building height to 22 storeys (69.7 metres). An increase of 3 storeys and 9.6 metres.

#### Variance 4: Floor Space Index

Section 13.1.1.298 ii) b) states that the maximum floor space index shall be 4.73. The applicant is requesting a maximum floor space index of 5.00. An increase of 0.27.

#### Variance 5: Setback for Floors above the Fifth Floor -Building B

Section 13.1.1.298 ii) g) states that the maximum setback for floors above the fifth floor shall be 5.0 metres. The applicant is requesting an increase to the maximum setback to 17.0 metres for floors above the fifth floor on Building B. An increase of 12.0 metres.

#### Variance 6: Setback for Floors above the Fifth Floor -Building C

Section 13.1.1.298 ii) g) states that the maximum setback for floors above the fifth floor shall be 5.0 metres. The applicant is requesting an increase to the maximum setback to 7.5 metres for floors above the fifth floor on Building C. An increase of 0.7 metres.

#### Variance 7: Height of Mechanical Penthouse

Section 4.19.4.ii states that the maximum height of a mechanical penthouse shall be 6.0 metres. The applicant has requested an increased in the maximum height of a mechanical penthouse to 6.7 metres. An increase of 0.7 metres.

#### Variance 8: Rail Corridor Setback

Section 13.1.1.298 ii) d) states that the required rail corridor setback shall be 19.2 metres for dwelling units. The applicant is proposing to increase the rail corridor setback to 20.0 metres for residential units. An increase of 0.8 metres.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, May 10, 2023. As of the writing of this report on, May 17, 2023, staff have not received any comments from members of the public.

#### *Agency Consultation*

No objections were filed with respect to the variance application from Town staff or external agencies. The following comments were received:

### **Development Review Comments:**



The applicant has requested a minor variance to facilitate the construction of a high density residential development that is comprised of three residential buildings ranging in height from 17 to 22 storeys.

#### Variance 1: Residential Units

The applicant has proposed an increase to the maximum number of residential units from 677 units to 726 units. The proposed increase of 49 units is minor given the scale of the development, and the increase is appropriate given the sites location in a Major Transit Station Area. As such, Planning Staff offer no objection to the approval of this variance.

#### Variance 2: Visitor Parking Rate

The applicant has proposed a reduction in the minimum visitor parking rate from 0.23 visitor parking spaces per unit to 0.20 visitor parking spaces per unit. The reduction of 0.03 visitor parking spaces per unit is minor and aligns the visitor parking rate with the parking rate approved through the Milton Go Major Transit Station Area (MTSA) Study. Furthermore, through the site plan application, the applicant has provided a Transportation Impact Assessment and transportation staff had no concerns with the report. As such, Planning Staff offer no objection to the approval of this variance.

#### Variances 3, 4 & 7: Building Height and Floor Space Index, and Mechanical Penthouse

The applicant is proposing an increase to the maximum building height from 19 storeys (60.1 metres) to 22 storeys (69.7 metres), an increase in the maximum floor space index from 4.73 to 5.00, and an increase to the mechanical penthouse height from 6.0 metres to 6.7 metres.

The MTSA Official Plan Amendment and Zoning By-law Amendment permit a maximum building height of 23 storeys and 72 metres and a maximum density of 5.0 FSI on the subject lands. The proposed increase to the height and density are consistent with the maximum permitted height and density of the MTSA Study. Furthermore, the minor increase to the height of the mechanical penthouse will not exceed the maximum permitted height and will not significantly change the architectural design of the building. As such, Planning Staff offer no objection to the approval of these variances.

#### Variance 5 & 6: Setback for Floors above the Fifth Floor

The Zoning By-law requires a maximum front yard setback of 5.0 metres for floors above the fifth floor. At the time of the original Zoning By-law Amendment application, the intent of this provision was to capture the design of the building at the time and to ensure an appropriate street presence for the proposed buildings.

The applicant has requested to increase this setback to 17.0 metres for Building B and to 7.5 metres for Building C. While both of these buildings front onto Nipissing Road, they are both oriented differently. Building B has a north-south orientation and includes multiple stepbacks from the street, including stepbacks at the 5<sup>th</sup> floor, 7<sup>th</sup> floor, and 15<sup>th</sup> floor. Building C has an east-west orientation and additionally includes multiple stepbacks at the 5<sup>th</sup> floor, 7<sup>th</sup> floor, 16<sup>th</sup> floor, and 17<sup>th</sup> floor. Through the site plan review, urban design staff do not have any concerns with the proposed building form and stepbacks proposed. Despite the multiple stepbacks, the building maintains an appropriate street presence and urban design. As such, Planning Staff offer no objection to the approval of these variances.

### Variance 8: Rail Corridor Setback

The applicant is requesting an increase to the rail corridor setback for dwelling units from 19.2 metres to 20.0 metres. The variance is required as the original Zoning By-law amendment did not establish that this was a minimum required setback.

The setback of 0.8 metres is minor in nature and does not negatively impact the proposed development. Through the original Zoning By-law Amendment and subsequent site plan application, the applicant has demonstrated alignment with the Federation of Canadian Municipalities Railway Guidelines for New Developments, including suitable protections and safeguard features. The increase in the rail setback will not change the protections required.

CP Rail and Metrolinx continue to be engaged through the site plan approval process, through which no concerns have been identified. As such, Planning Staff offer no objection to the approval of this variance.

### **Recommendation:**

**THAT the application for minor variance 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.

**Natalie Stopar**

Natalie Stopar, MCIP, RPP  
Planner, Development Review

May 17, 2023





## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-23/029/M 13318 First Line

#### General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variance to Zoning By-law 144-2003, as amended, has been requested to permit:

- A minimum interior side yard setback for an accessory building of 2.85 metres, whereas a minimum interior side yard setback of 7.5 metres is required (a reduction of 4.65 metres)

The subject property is known municipally as 13318 First Line and is legally described as Concession 1, Part Lot 28. The property is located with a rural area and is surrounded by rural lots containing single detached dwellings, agricultural features, and natural heritage features.

The applicant is proposing to construct a pergola and pool house adjacent to a pool on the property and has requested a variance from the accessory structure interior side yard setback to facilitate the construction.

#### Official Plan Designation (including any applicable Secondary Plan designations):

The subject property is designated Agricultural Area in the Town of Milton Official Plan. This designation permits single detached dwellings on existing lots. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended.

Furthermore, the lands are designated as Greenbelt Protected Countryside and Greenbelt Natural Heritage System in the Provincial Greenbelt Plan. These policies permit existing uses and single detached dwellings on the lands, provided that they were permitted prior to the date that the Greenbelt Plan came into force. Expansions to existing building and structures and accessory structures are also permitted provided that new municipal services are not required and that the use does not expand into a key natural heritage future or key hydrologic feature, except if there is no other alternative. It is Staff's opinion that the proposal is in conformity with the Greenbelt Plan.

#### Zoning:

The subject lands are zoned as Rural (A2) in Zoning By-law 144-2003 as amended. The A2 zone permits a detached dwelling and accessory structures on the lands.

Section 4.1.2.2 i) and Section 10.2 Table 10B states that a minimum interior side yard setback for an accessory structure shall be 7.5 metres. The applicant is proposing an interior side yard setback of 2.85 metres (a reduction of 4.65 metres).

#### Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, May 10, 2023. As of the writing of this report on, May 17, 2023, staff have not received any comments from members of the public.

### *Agency Consultation*

No objections were filed with respect to the variance application from Town staff or external agencies.

Planning staff note that the Grand River Conservation Authority had no objection to the approval of the minor variance application, and also noted that no GRCA permit is required.

### **Development Review Comments:**

The applicant has requested a minor variance to construct a pergola and pool house adjacent to a pool on the property. The applicant has indicated in the application form that the accessory structure was placed in location to accommodate the existing septic bed, trees, and location of the proposed pool.

The accessory structure provisions in the rural zone are intended to accommodate larger accessory structures on large rural areas. The existing accessory structure is smaller in size and complies with the maximum area permitted in the Zoning By-law. Additionally, the structure is open on large portions of the front and right side elevations. The setbacks of the accessory structure is appropriate for the lot.

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

### **Recommendation:**

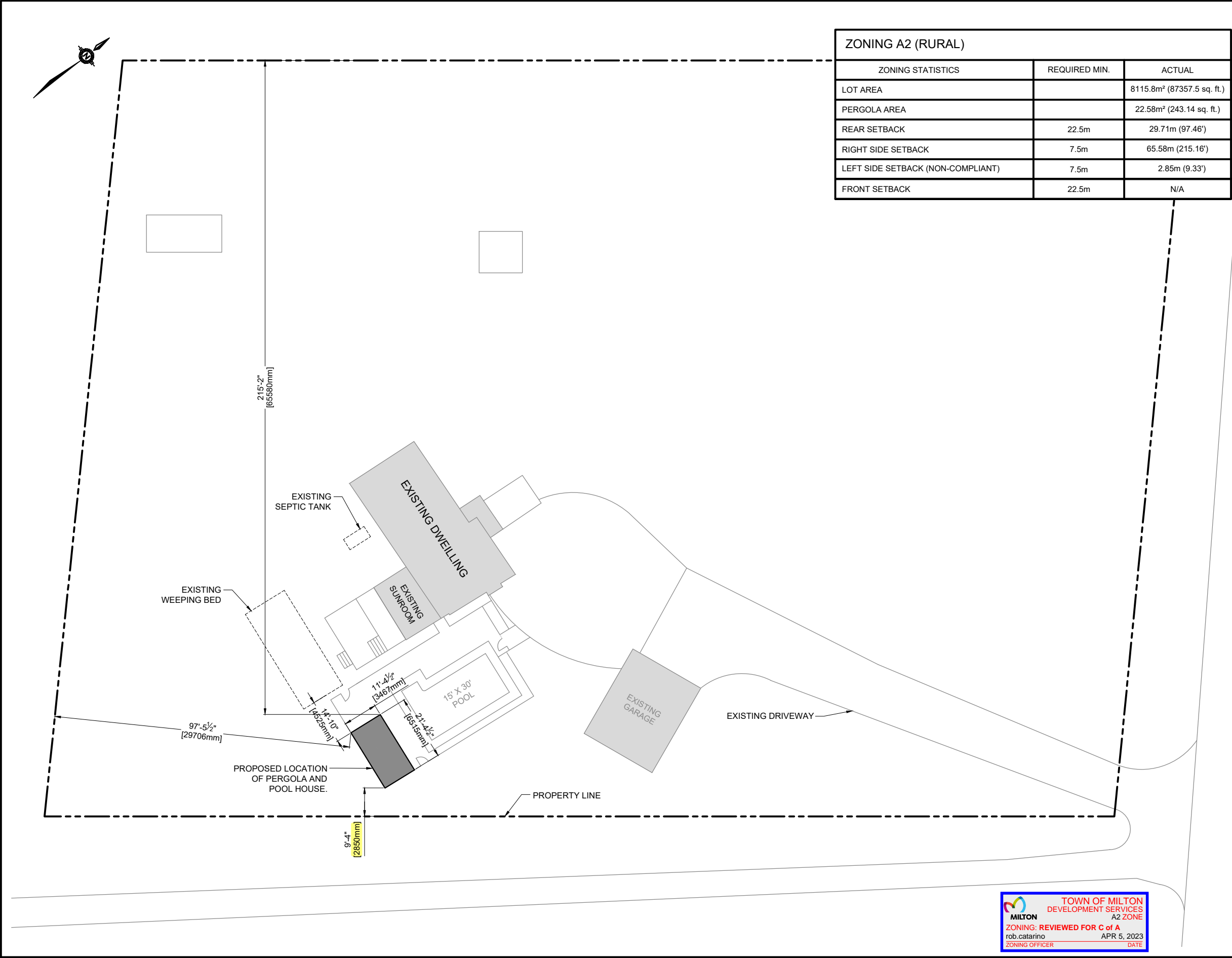
**THAT the application for minor variance BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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.

**Natalie Stopar**

Natalie Stopar, MCIP, RPP  
Planner, Development Review

May 17, 2023



ZONING A2 (RURAL)		
ZONING STATISTICS	REQUIRED MIN.	ACTUAL
LOT AREA		8115.8m² (87357.5 sq. ft.)
PERGOLA AREA		22.58m² (243.14 sq. ft.)
REAR SETBACK	22.5m	29.71m (97.46')
RIGHT SIDE SETBACK	7.5m	65.58m (215.16')
LEFT SIDE SETBACK (NON-COMPLIANT)	7.5m	2.85m (9.33')
FRONT SETBACK	22.5m	N/A

#	DATE	REVISION

I, KRISTEN SACHS, HAVE REVIEWED AND TAKE RESPONSIBILITY FOR THE DESIGN WORK AND ACTIVITIES HEREIN THIS DOCUMENT.

  
SIGNATURE

121545  
B.C.I.N.



109 Cedar Valleyview Rd  
West Grey – Ontario – N4N3B8  
519-400-9698  
ONTARIODRAFTINGSERVICES.COM

13318 FIRST LINE  
MOFFET ONTARIO

SITE PLAN

DATE MAR 2023	DRAWING No. A001
SCALE 1/32" = 1'-0"	DWG. 1 OF 6



TOWN OF MILTON  
DEVELOPMENT SERVICES  
A2 ZONE  
ZONING: REVIEWED FOR C of A  
rob.catarino  
ZONING OFFICER

APR 5, 2023  
DATE



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-23/032/M 6390-6400 Fifth Line

#### General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 016-2014, as amended, have been requested to permit:

1. A maximum driveway width of 23 metres for the shared two-way driveway between Buildings M and N, whereas a maximum two-way driveway width of 15 metres is required;
2. A minimum landscape buffer of 4.0 metres for Building N abutting Fifth Line, whereas a minimum landscape buffer of 4.5 metres is required abutting a street line;
3. An easement within the required landscape buffer; and
4. A minimum parking area setback of 4.0 metres for Building N abutting Fifth Line, whereas a minimum required 4.5 metre setback is required for a parking area abutting a street line.

The subject property is known municipally as 6390-6400 Fifth Line and is legally described as Part of Lots 7 & 8 on Concession 5. This application is related to Site Plan files (SP-22/22 & SP-23/22) that are currently under review. Through the site plan approval process, the applicant is proposing two industrial warehouse buildings (Buildings N and M), and has requested minor variance approval to facilitate the development. Surrounding land uses are primarily employment and industrial uses.

#### Official Plan Designation (including any applicable Secondary Plan designations):

Within the Official Plan, the subject property is designated "Industrial Area" on Schedule B - Urban Land Use Plan. The lands are also located within the Derry Green Corporate Business Park Secondary Plan. The Industrial Area designation is an employment designation which provides for a full range of light and general industrial uses. The Derry Green Secondary Plan includes additional policies that encourage a high quality streetscape design and urban design.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

#### Zoning:

The subject lands are zoned Site Specific Business Park Zone (M1\*293) under Comprehensive Zoning By-law 016-2014, as amended. The M1 Zone permits a range of employment uses including industrial warehouse buildings.

#### Variance 1: Driveway Width

Section 5.6.1 ii) Table 5B of the Zoning By-law states that the maximum permitted width for a two-way driveway is 15 metres. The applicant is requesting permission to allow a maximum width of 23 metres for the shared two-way driveway between Buildings M and N from Louis St. Laurent Avenue. An increase of 7 metres.

Variance 2:

Section 8.2, Table 8B of the Zoning By-law states that the minimum required landscape buffer abutting a street is 4.5 metres. The applicant is requesting permission to permit a minimum landscape buffer of 4.0 metres for Building N abutting Fifth Line. A decrease of 0.5 metres.

Variance 3:

Section 3 of the Zoning By-law defines a Landscape Buffer as “the area of a lot, exclusive of any easements”. The applicant is requesting permission to allow an easement within the required landscape buffer.

Variance 4:

Section 5.12, Table 5L of the Zoning By-law states that the minimum required setback for a parking area abutting a street line is 4.5 metres. The applicant is requesting permission to allow a parking area setback of 4.0 metres for Building N abutting Fifth Line. A decrease of 0.5 metres.

**Consultation**

*Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, May 10, 2023. As of the writing of this report on, May 17, 2023, staff have not received any comments from members of the public.

*Agency Consultation*

No objections were filed with respect to the variance application from Town staff or external agencies. Planning staff note the following comments:

Halton Region

Transportation Planning has reviewed the subject application and has no concerns with the proposed variances from the Town’s Zoning By-law, provided the ultimate Fifth Line right-of-way being protected by the Town is kept clear of any development related infrastructure.

Town Site Planner

The associated Site Plan applications (SP 22-22 and SP 23-22) have reached a satisfactory stage to consider the requested minor variances. It should be noted that proposed trees will need to be removed from the landscape buffer within the easement limits.

**Development Review Comments:**

The proposed industrial warehouse building is currently being reviewed through Site Plan application SP-15/21. Town staff have identified that the site plan has reached satisfactory stage to consider the requested minor variance.

#### Variance 1: Driveway Width

The applicant is requesting permission to allow a maximum two-way driveway width of 23.0 metres (a difference of +7 metres) for the proposed industrial building. The proposed increase to the two-way driveway is due to the concern of safe truck ingress and egress between the sites. The increase in driveway width would provide for sufficient truck turning movements.

A Transportation Brief was prepared by BA Group in support of the proposed development. The Transportation Brief provided justification and details on the vehicle maneuverability analysis that was completed for the proposed development. Town Transportation staff reviewed the Transportation Brief and confirmed that the proposed driveway width is necessary to ensure that trucks accessing the site can enter/exit the site safely.

#### Variances 2, 3, & 4 Landscape Buffer and Parking Area Setback

The remaining three variances are all related to the landscape buffer for Building N along 5<sup>th</sup> line. The applicant has requested a reduction in the minimum required landscape buffer and parking area setback abutting a street from 4.5 metres to 4.0 metres (variances 2 and 4). Additionally, the applicant has requested permission to permit a storm sewer easement within the landscape buffer (variance 3).

Planning staff are of the opinion that the reduction to the landscape buffer along Fifth Line is minor and will not significantly reduce the quality of the landscaping along Fifth Line. The applicant has provided landscaping plans with the corresponding Site Plan application which shows that sufficient landscaping can be provided even with the reduced landscape buffer width and easement. It is noted that while various plants and shrubs can be planted over the storm sewer easement, that trees will not be permitted. The final details regarding the number and variety of plants within the landscape buffer and easement will be finalized through the Site Plan review.

Planning staff have reviewed the requested variances and offer no objection to their approval. Planning staff are of the opinion that the requested variances are minor in nature, conform to the general intent of both the Official Plan and Zoning By-law and are desirable for the development and use of the subject property.

#### **Recommendation:**

**THAT the application for minor variance 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.

Natalie Stopar

Natalie Stopar, MCIP, RPP  
Planner, Development Review

May 17, 2023





## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-23/033/M 1010 Vickerman Way

#### General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 016-2014, as amended, has been requested to permit:

1. A minimum rear yard setback of 3.58 metres, whereas a minimum rear yard setback of 7.0 metres is required (a reduction of 3.42 metres);
2. A residential driveway width of 11.84 metres, whereas a maximum driveway width of 8.0 metres; and
3. 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.

The subject property is known municipally as 1010 Vickerman Way and is legally described as Lot 11 on Registered Plan 20M985. The property is located on the south-east side of Vickerman Way, and currently contains a single detached dwelling with a large paved driveway. Surrounding land uses include low density residential lots and a public park and trail to the rear of the property.

The applicant is proposing to construct a 1 storey sunroom addition in the rear yard and has requested a reduction in the minimum required rear yard setback to accommodate the addition. Through the minor variance application review, the applicant was notified that the existing driveway is not in compliance with the Town of Milton Zoning By-law. The applicant is therefore requesting additional relief from the maximum driveway width and permeable residential landscape surface provisions of the Zoning By-law to permit the driveway to remain.

#### Official Plan Designation (including any applicable Secondary Plan designations):

The subject property is designated "Residential Area" on Scheduled B- Urban Land Use Plan and is further designated "Residential Area" on Schedule C.6.D- Bristol Survey Secondary Plan Land Use Plan. A range of residential uses and accessory uses are permitted within the Residential Area designation.

#### Zoning:

The subject lands are zoned site-specific Residential Medium Density 1 (RMD1) under Comprehensive Zoning By-law 016-2014, as amended. In this zone, single-detached dwellings and accessory apartments are permitted, so long as all applicable zoning provisions are met.

#### Variance 1: Rear Yard Setback

Section 6.2, Table 6C of the Zoning By-law requires a minimum rear yard setback of 7.0 metres. The applicant is proposing a rear yard setback of 3.58 metres for the addition (a reduction of 3.42 metres).

#### Variance 2: Driveway Width

Section 5.6.2 iv) d) E) of the Zoning By-law states that a residential driveway shall not exceed a width of 8.0 metres for lots having a frontage greater than 11.5 metres. The applicant is proposing to retain the existing driveway width of 11.84 metres (an increase of 3.84 metres).

#### Variance 3: Residential Landscape Surface

Section 5.6.2 vii) a) of the Zoning By-law states that a minimum width of 0.60 metres abutting both side lot lines on interior lots shall only be a permeable residential landscape surface such as grass, trees, shrubs, flowers, river rock, and decorative stone, that permits the infiltration of water into the ground. The applicant is proposing to reduce the residential landscape surface strips to 0.23 metres on the left side lot line and 0.13 metres on the right side lot line.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, May 10, 2023. As of the writing of this report on May 17, 2023, staff have not received any comments from members of the public.

Staff note that the applicant submitted 3 letters of support for the sunroom addition with their application.

#### *Agency Consultation*

The following comments were received from Town staff and external agencies:

#### Community Services (Parks) Comments:

Please be advised Parks and Facility Planning, Community Services has no specific concerns with or comments on the variances requested through the following applications

Note: In accordance with section 2.2 f) of Town By-law 055-2022, conveyance of land for park or other public recreational purposes, or payment in lieu thereof, is not applicable to enlargements to existing dwelling units. Any future development on this property is not to impact the adjacent park block (existing Coates Linear Park at the rear); site works are to be limited to within the private limits of 1010 Vickerman Way.

#### Development Engineering Comments:

Please be advised that Development Engineering has reviewed the above noted application for a reduction in the minimum required rear yard setback to accommodate a proposed rear sunroom addition and increase in maximum permitted driveway width.

Please be further advised that Development Engineering has no objection to the approval of rear yard setback for the proposed sunroom; however, Development Engineering has objection to the approval residential driveway and hard surfacing.

Please be advised that the driveway shall not exceeding a width of 8.0m for lots having a frontage greater than 11.5m and the area width for the left and right side lot line should maintain a minimum width of 0.45m in order to maintain drainage swales.

**Building Division Comments:**

- We have no objections from a Building Code perspective to the proposed variance request
- Building permit will be required to construct Sunroom/Addition
- Any comments regarding the proposed construction will be addressed during the plans review process once a building permit application is received

**Development Review Comments:**

**Variance 1: Rear Yard Setback**

The applicant is proposing to construct a 1 storey sunroom addition in the rear yard and has requested a reduction in the minimum required rear yard setback to accommodate the addition. A reduction in the rear yard setback from the minimum required 7.0 metres to 3.84 metres has been proposed.

The intent of the minimum rear yard setback is to ensure that there is sufficient rear yard amenity space, that there are no shadow impacts or privacy impacts to adjacent amenity spaces, and to ensure that the property can be maintained.

The subject rear yard at 1010 Vickerman Way abuts the rear yards of 1008 and 1012 Vickerman Way, and a public park and trail to the rear. The proposed addition will be setback 0.86 metres from the interior side lot line of 1008 Vickerman Way and is limited to 1 storey in height.

As the addition backs onto a public park and is proposed to be 1 storey in height, it is not anticipated that the addition will impact the rear yard amenity space of the adjacent lots. Sufficient amenity space will also be provided on the property. To ensure that sufficient privacy is maintained for the adjacent lot at 1008 Vickerman Way however, it is recommended that a condition be added that the North-West side elevation be constructed with a solid wall.

For these reasons, staff do not object to the variance to decrease the rear yard setback.

**Variances 2 & 3 Driveway Widening and Permeable Landscape Surface**

Through the minor variance application review, the applicant was notified that the existing driveway is not in compliance with the Town of Milton Zoning By-law. The applicant subsequently requested additional relief from the maximum driveway width and permeable residential landscape surface provisions of the Zoning By-law to permit the driveway to remain.

The intent of the maximum driveway width provisions in the Zoning By-law is to limit to limit the surface area in the front yard available for car parking and to ensure that a sufficient amount of landscaping can be provided. The applicant has paved the vast majority of the lot which increases the portion of the front yard available for parking and eliminates all landscaping on the lot.

The intent of the permeable landscaped surface regulation in the Zoning By-law is to provide adequate drainage along the interior side lot lines. The purpose of a swale is to collect, store, and convey surface water drainage towards the municipal right-of-way. The proposed reduction in the landscape surface would no longer accommodate a swale within the side lot line.

The Town of Milton Engineering division confirmed that a minimum 0.60 metre to 0.45 metre landscaped buffer is required within the interior side yard to accommodate a swale for drainage. Engineering staff objected to the variances and recommended that the additional concrete within the side yards be removed.

For these reasons, staff are of the opinion that the requested variances do not meet the general intent of the Zoning By-law, are not minor in nature, and are not appropriate for the development and use of the lands. As such, it is recommended that the minor variances to permit the driveway widening and reduce landscaped surface in the interior side yard be refused.

**Recommendation:**

**THAT** the following minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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.

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.

**AND THAT** the following minor variances **BE DENIED:**

2. To permit a residential driveway width of 11.84 metres, whereas a maximum driveway width of 8.0 metres; and
3. 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.

**Natalie Stopar**

Natalie Stopar, MCIP, RPP  
Planner, Development Review

May 17, 2023

REVISIONS	
R0	XXXXXXXX
R1	17APRIL2023
	20APRIL2023

NORTH



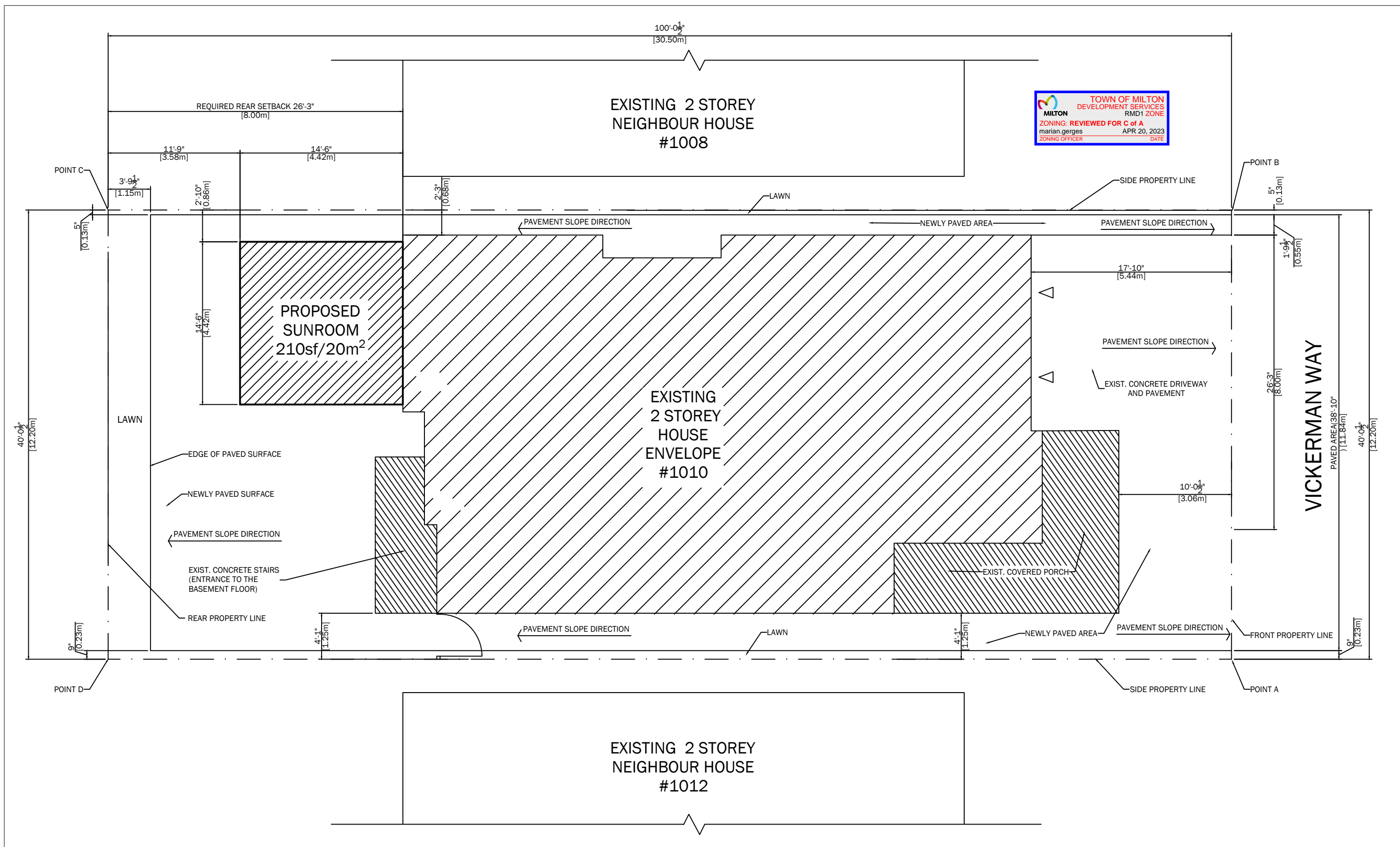
PROJECT: 2205-05

SCALE: 1:100

SITE PLAN

BASED ON YOUNG&YOUNG SURVEY  
PLAN, PREPARED IN 2006  
(IN ETOBICOKE)

# A01



## PROPOSAL OF SUNROOM - LOCATION ON THE SITE



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REVISIONS

REV	DESCRIPTION
R0	XXXXXXXX
R1	

A02