



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

Thursday, July 27, 2023, 6:00 p.m.
Council Chambers - In Person

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

	Pages
1. AGENDA ANNOUNCEMENTS / AMENDMENTS	
2. DISCLOSURE OF PECUNIARY INTEREST	
3. MINUTES	
3.1 Minutes of Committee of Adjustment Hearing held on June 29, 2023	
4. HOUSEKEEPING	
5. ITEMS FOR CONSIDERATION	
5.1 A23-046/M - 6670, 6710, 6750 and 6790 Fifth Line A minor variance is being requested to facilitate a reduction of the required office component for Buildings 2 and 3 to 0%.	2
5.2 A23-047/M - 4006 25 Side Road A minor variance is being requested to facilitate the construction of a detached garage for personal vehicular storage.	6
5.3 A23-044/M - 103 Barton Street A minor variance is being requested to demolish the existing 1 storey single detached dwelling and detached garage and construct a new 2 storey single detached dwelling with an attached garage.	11
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7. ADJOURNMENT	



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-046 - 6670, 6710, 6750 & 6790 Fifth Line

General Description of Application:

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

- The required office component for an Industrial and/or Warehouse/Distribution Centre use to be 0% of the GFA for Buildings 2 and 3 (a reduction of 5% based on previously approved variance application A23-001M)

The subject property is known municipally as 6670, 6710, 6750 & 6790 Fifth Line and is legally described as Part of Lot 10, Concession 5, Trafalgar. The property is currently under development and in the process of constructing four Industrial buildings.

The lands were previously subject to application A23-001/M which facilitated a reduction of the required office component for Buildings 2, 3 and 4 to 5%, rather than 15%. Given market conditions, the applicant is seeking a further reduction to 0% for Buildings 2 and 3.

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

The subject property is designated as Business Park Area and Natural Heritage Area in the Town's Official Plan. The area of the property subject to this Minor Variance application is Business Park Area. The main permitted uses within the Business Park Area designation are light industrial and office uses.

The subject lands are located within the Derry Green Corporate Business Park Secondary Plan. On Schedule C-9-B Land Use Plan, the lands subject to this Minor Variance application are designated Business Park Area with the Street Oriented Site overlay and Natural Heritage Oriented Area overlay.

Both the Street Oriented Site overlay and Natural Heritage Oriented Area overlay permit industrial uses with a significant office component, as to differentiate industrial uses from those lands designated Industrial Area to those designated Business Park Area. Additionally, the significant office component encourages additional office uses. There is no number associated with what constitutes a significant office component. Generally throughout the Derry Green Secondary Plan Area, staff have been applying a minimum 15% GFA be dedicated as office space through site-specific implementing Zoning By-law Amendments; however, have been amenable to reviewing this amount as 'significant' can vary greatly among different sized buildings.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended and the Derry Green Corporate Business Park Secondary Plan.

Zoning:

The subject lands are zoned as site specific Business Park (M1*306) under Comprehensive Zoning By-law 016-2014, as amended. In this zone, Industrial, Warehousing and Distribution uses are permitted.

Section 13.1.1.306 requires a minimum 15% Gross Floor Area be required to be dedicated as an office component for Industrial and/or Warehouse/Distribution Centre uses.

As a result of a past Minor Variance approval, the applicant currently has permissions requiring a minimum 5% GFA office component for Buildings 2, 3 and 4. To facilitate the development and adapt to market conditions, the applicant is seeking to further reduce the minimum GFA office component to 0% for Buildings 2 and 3.

Building 1, fronting on Derry Road, will maintain the minimum 15% GFA as required in the site specific zoning and Building 4 will maintain 5% GFA as set-out in the previous variance approval.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, July 11, 2023. As of the writing of this report on, July 19, 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 and Development Department Comments:

The applicant has requested a minor variance to reduce the minimum amount of office space required for Buildings 2 and 3.

Throughout the Derry Green Corporate Business Park Secondary Plan Area, staff have generally been applying a minimum 15% GFA office component to Industrial, Warehouse/Distribution Centre Uses, which differentiates these uses from those that are located within the Industrial Area, which does not require a significant office component. This direction comes from Section C.9.5.1.2 (b) of the secondary plan which speaks to provisions associated with the Street Oriented Site overlay, specifically envisioning: "Light industrial uses which include a significant office component."

The lands are identified on Schedule C-9-B as Business Park Area with a partial Street Oriented Site overlay. After reviewing the schedule, Planning Staff recognize that the footprints of the subject buildings are located outside of the applicable overlay, which sets out the requirement for 'significant office component'.

Staff have reviewed the requested variance and offer no objection to its approval, as the proposal makes efficient use of the land, will continue to meet the intent of the Derry Green Business Park and Zoning By-law. The variance requested is considered to be minor in

nature and will not be of a detrimental impact to the subject lands, the street or the surrounding area.

Recommendation:

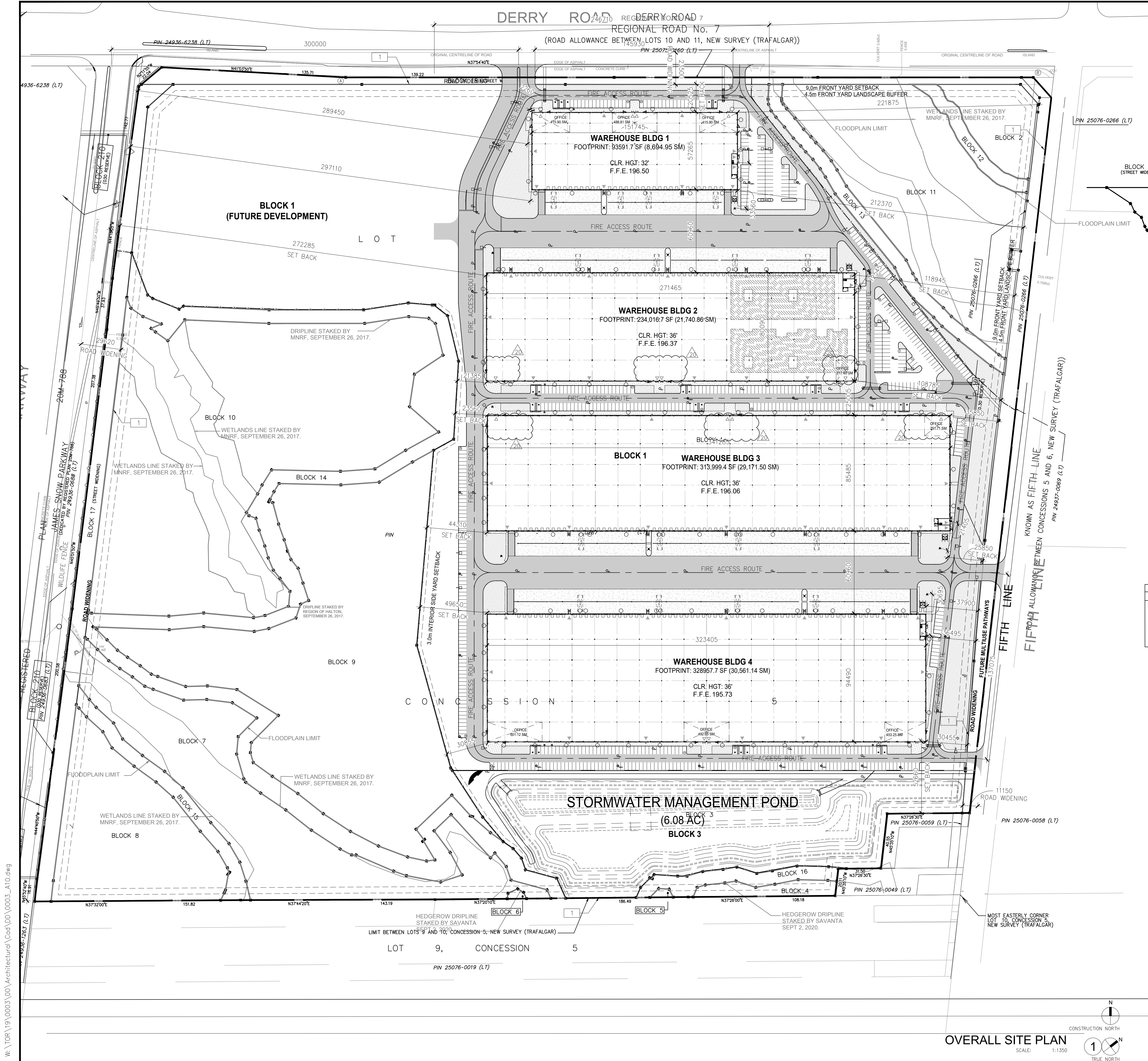
THAT the application for minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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.

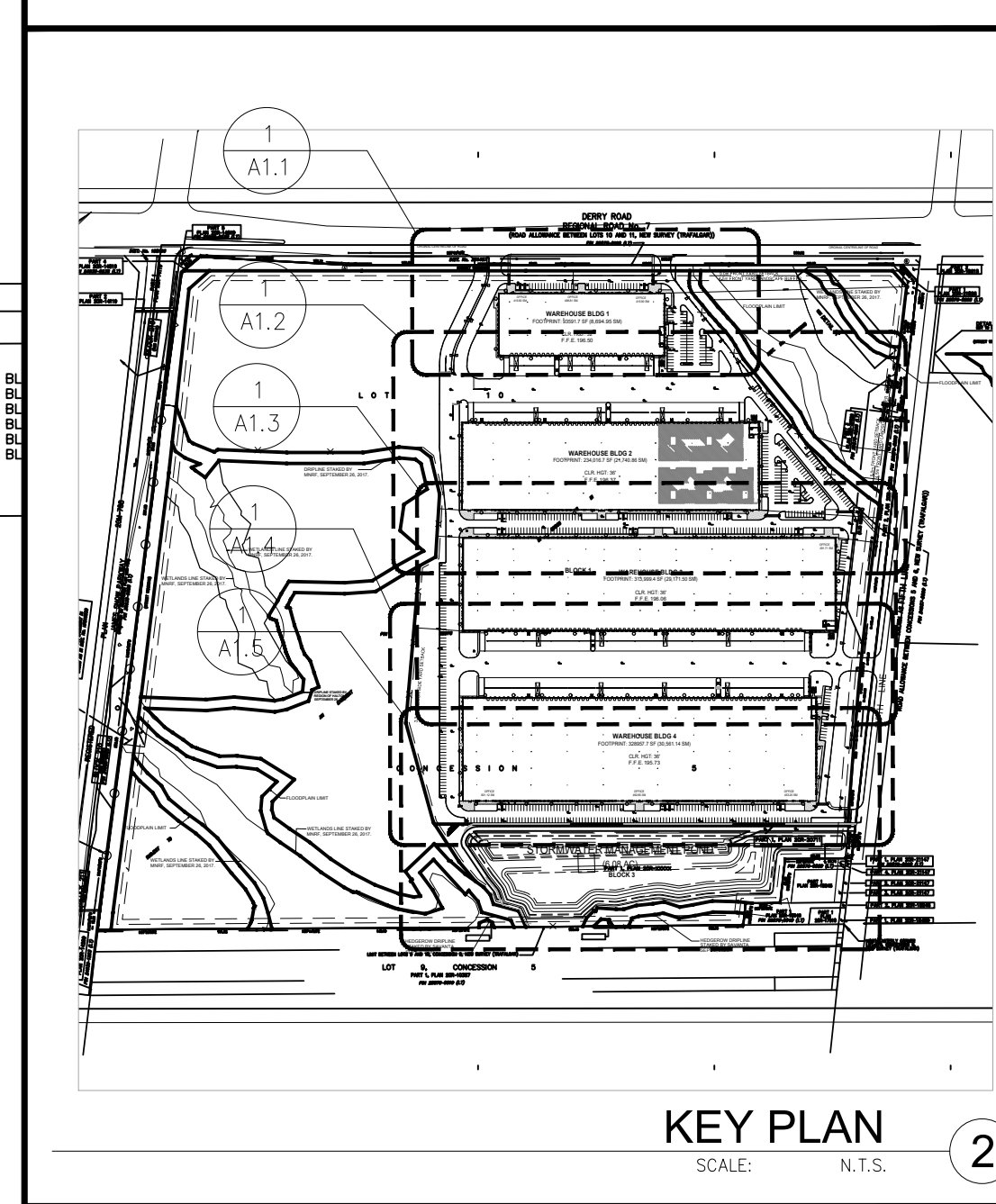
Rachel Suffern



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

July 19, 2023



TOR19-0003-00 Site Statistics					
Zoning Category		M1			
Proposed Use		1-STORY INDUSTRIAL			
Town of Milton Comprehensive Zoning By-law 016-2014 Section 8, Table 8B					
	Proposed	Required			
LOT FRONTAGE (MM)	246.71	40.00			
MIN. FRONT YARD BUILDING SETBACK (m)	20.52	9.00			
MIN. INTERIOR SIDE YARD BUILDING SETBACK (m)	258.45	3.00			
MIN. EXTERIOR SIDE YARD BUILDING SETBACK (m)	52.66	9.00			
MIN. REAR YARD BUILDING SETBACK		3.00			
MAX. BUILDING HEIGHT (datum)	14.17m	15.00m			
LANDSCAPE OPEN SPACE AREA RATIO	M1 Zone	M1 Zone			
LANDSCAPING PROPOSED BLOCK 16 (INCLUDE PONDS)	50765.36 (20.60%)	10%			
LANDSCAPE BUFFER					
MIN. LANDSCAPE BUFFER ABUTTING STREET LINE (NORTH)	4.5m	4.5m			
MIN. LANDSCAPE BUFFER ABUTTING STREET LINE (EAST)	4.5m	4.5m			
MIN. LANDSCAPE BUFFER (SOUTH)	N/A	N/A			
MIN. LANDSCAPE BUFFER JAMES SNOW PARKWAY ST. LN (WEST)	N/A	N/A			
	Proposed	Required			
Lot Area (overall)	42,079ha (99.03 AC)	MIN. 0.8 ha (1.98 AC)			
Lot Area Block 1	185,842	N/A			
Total Ground Floor Area	90,168.45	N/A			
Coverage Overall	22%	N/A			
Coverage Block 1	49%	N/A			
Lot Area Block 1 (FUTURE DEVELOPMENT)	35,934	N/A			
Lot Area Block 2 (FUTURE DEVELOPMENT)	3,145	N/A			
Lot Area Block 3 (STORM WATER MANAGEMENT POND)	24,628	N/A			
	Building 1	Building 2	Building 3	Building 4	
Office GFA (m²)	1320.61	217.40	291.71	1547.02	
Industrial GFA (m²)	7,374.34	21,523.46	28,878.79	29,014.12	
TOTAL BUILDING GFA (m²)	8,694.95	21,740.86	29,171.50	30,561.14	
Town of Milton Comprehensive Zoning By-law 016-2014 Section 5 Table 5D: Parking is calculated for each individual industrial premises as follows: 20 to 1000m² shall provide 1 parking space per 300m² of gross floor area. 1000m² to 5000m² shall provide 1 parking space per 100m² of gross floor area. For gross floor areas in excess of 5000m² shall provide 1 parking space per 200m² of gross floor area. If 5% is required on the portion of the lot of 100m². _____ A minimum					
	Building 1	Building 2	Building 3	Building 4	
Proposed No. of Parking Spaces	103	187	194	206	
Required No. of Parking Spaces	97	162	199	206	
BARRIER FREE PARKING SPACES (201 TO 1000 SPACES) 2 ACCESSIBLE PARKING SPACES PLUS 2%	5	6	7	7	
Total Proposed No. of Parking Spaces	108	193	201	213	
Total Required No. of Parking Spaces	102	168	206	213	
NUMBER OF BICYCLE STALLS: 3% OF THE REQUIRED PARKING SPACES	3	5	6	6	
Parking Stall Dimensions	STANDARD - 2.75m X 5.8m ACCESSIBLE TYPE A - 3.4m X 5.8m ACCESSIBLE TYPE B - 2.75m X 5.8m				
TOTAL NO. OF LOADING SPACE REQUIRED 744m² or greater (2,948,330m²) requires 3 PARKING SPACES PLUS 1 ADDITIONAL LOADING SPACE PER 9300m²	4	4	4	4	
TOTAL NO. OF LOADING SPACE PROVIDED	30	53	65	66	
TOTAL NO. OF DRIVE-IN DOORS PROVIDED	2	2	2	2	
Loading Space Dimensions	3.5m X 12.0m				



LEGEND:			
	1500mm HIGH CHAIN LINK FENCE. REFER TO CIVIL DRAWINGS.		
	WILDLIFE FENCE, REFER TO DRAWINGS PROVIDED BY GEI CONSULTANTS		

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LICENCE
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SUN LIFE ASSURANCE
INDUSTRIAL
DEVELOPMENT
6712 FIFTH LINE
MILTON, ONTARIO

OVERALL SITE PLAN

DATE	REMARKS
12/2022-11-24	SPA THIRD SUBMITTAL
14/2023-01-18	ISSUED FOR SI 18
15/2023-02-03	SPA FORTH SUBMITTAL
16/2023-02-06	ISSUED FOR SI 20
17/2023-03-01	ISSUED FOR SI 21
18/2023-03-29	SPA FORTH SUBMITTAL
19/2023-04-26	SPA FORTH SUBMITTAL
20/2023-05-18	ISSUED FOR SPA RESUBMISSION

PA / PM: C.ROCHA
DRAWN BY: H.B
JOB NO.: TOR19-0003-00

SHEET
A1.0
SP-37/21

PLOT DATE: Thu, 18 May 2023 ISSUED FOR SPA RESUBMISSION



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-047M - 4006 25 Side Road

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:

- Allow a maximum gross floor area for a detached garage to be 173 square metres, whereas the Zoning By-law permits a maximum of 93 square metres (an increase of 80 square metres).

The subject property is known municipally as 4006 25 Side Road and is legally described as Part of Lot 25 on Concession 5. Surrounding land uses include rural residential and natural heritage, including woodlots and wetland.

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

The subject property is designated as Agricultural on the Town of Milton Official Plan Schedule 1 - Town Structure Plan. The lands are also subject to the Greenbelt Plan's Protected Countryside designation.

Both the Agricultural designation and Greenbelt Plan permit a single detached dwelling on existing lots of record, in addition to accessory uses associated with the residential use. The policy further directs that any impacts on adjacent natural heritage features shall be minimized and/or mitigated.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended, as the residential use is established on an existing lot of record and the proposed structures are setback from the identified natural heritage features. Further, the proposed detached garage, as an accessory structure to the permitted residential use, is for personal use only.

Zoning:

The subject lands are zoned as Rural (A2), Greenlands A (GA) and Greenlands B (GB). Within the A2 and GB zone, a single detached dwelling is permitted on existing lots of record - including accessory uses such as detached garages associated with the primary use.

The proposed detached garage is primarily located within the portion of the property zoned A2. The structure complies with all Zoning By-law provisions - including height - with exception of permitted gross floor area.

Section 4.1.2.2 ii) of the Zoning By-law permits a maximum gross floor area of 93 square metres for a detached garage. To accommodate the proposed footprint of the structure,

the applicant is requesting a total gross floor area of 173 square metres (an increase of 80 square metres).

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, July 11, 2023. As of the writing of this report on, two public comments were received with respect to this application - written correspondence will be provided to the committee members in advance of the meeting. Concerns included:

Impacts on Natural Heritage and Wetland

Residents expressed concern about the development's impact on the adjacent woodlot and wetlands. In this instance, the Region of Halton regulates Natural Heritage Features - including woodlots. Given the footprint of the structure does not impact the woodlot and maintains an adequate setback from the dripline, the Region did not have concerns with the siting. The structure itself is not expected to have any impacts on the features or ecological functions of the Natural Heritage System. Any future tree removal would be subject to the Regional Tree Cutting By-law.

The lands are also regulated by Grand River Conservation Authority (GRCA) as there is a wetland in proximity of the site. So far as the siting of the proposed detached garage, GRCA reviewed the proposal and issued a Development Permit for the structure. Any other works that have taken place on the site within the boundary of the GRCA regulated-area will be subject to remedial works, as determined by GRCA.

Use of Structure and Property

Residents expressed concerns about potential commercial and/or industrial activity taking place on the site. The applicant has confirmed that the proposed structure will accommodate personal vehicle storage only.

So far as the site permissions, the applicable provincial policy, Official Plan designation and zones are restrictive for this area, with very limited uses being permitted. Uses such as truck parking or other industrial/commercial operations are prohibited on the site and would not supported.

To address such concerns, Planning Staff have included a recommendation, as a condition of approval, that the owner sign a Letter of Undertaking stating that no commercial or industrial operations shall take place on the subject lands.

If any resident has concerns associated with uses and/or structures on any property within the Town of Milton, they can contact Town By-law Enforcement - Town Staff will review the information and if required, undertake an investigation.

Agency Consultation

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

Grand River Conservation Authority (GRCA) reviewed the application and issued a Development Permit for the works. In addition to the permit, the conservation authority is working with the applicant on site remediation associated with the regulated area.

Development Engineering Staff require additional grading information at time of Building Permit. Planning Staff have recommended, as a condition of approval, that the applicant provide the requested information prior to Building Permit issuance.

Planning and Development Department Comments:

The applicant has requested a minor variance to facilitate the construction of a detached garage for personal vehicular storage. The subject lands currently contain a single detached dwelling and existing frame barn - the site is primarily comprised of natural heritage features, including woodlot and wetland.

The proposed location of the garage is setback from the natural features with no anticipated impact on any ecological functions. Further, the Grand River Conservation Authority (GRCA) has no concerns associated with the structure itself.

Given the structure is setback from both 25 Side Road and Fourth Line, it is not anticipated to impact any sightline of local traffic or impact adjacent landowners in way of personal enjoyment or privacy as the general area and surrounding properties are shielded by trees. Finally, the overall gross floor area being requested, beyond what is permitted as-of-right, has a negligible impact, especially when considering the overall lot size (14.2 hectares). It is also noted that the structure maintains all other zoning provisions, including height.

Based on the aforementioned, Planning Staff offer no objection to the approval of this application. The variance is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and conforms to the Official Plan.

Recommendation:

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

1. That the detached garage shall be generally located and constructed in accordance with the site plan and building elevations, prepared by GM Global Construction Inc., date stamped by Town Zoning on June 26, 2023.
2. The permission from the conservation authority be provided to the Town prior to Building Permit issuance.
3. That updated grading information, to the satisfaction of Development Engineering, be provided prior to Building Permit issuance.
4. That prior to Building Permit issuances, a Letter of Undertaking stating that no commercial or industrial use will take place on the site beyond what is permitted in the subject zones be provided to the Town.
5. That a Building Permit be issued within two (2) years from the date of this decision.
6. 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.

Rachel Suffern

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

July 19, 2023

[611.96 M] DISTANCE TO REAR LOT LINE

FOURTH LINE

25TH SIDE ROAD

SCALE: 1/32"=1'-0"

ESTABLISHED GRADE CALCULATION :				
LENGTH NO	BEGIN ELV	END ELV	LENGTH	$\frac{B.L.1 + E.L.2}{2} \times L$
1	361.73	362.16	14.63 M	5295.25
2	362.16	362.14	11.79 M	4269.74
3	362.14	361.71	14.63 M	5294.96
4	361.71	361.73	11.79 M	4264.67
TOTAL			52.84 M	19124.62
EG :			$\frac{19124.62}{52.84}$	361.93

GM GLOBAL CONSTRUCTION INC.
Phone 905-890-5999
projects@gmglobal.ca

infomglobal@gmail.com

Project : 4006 25 Side Rd	Sheet : A 0.3
Date : JUNE 18, 2023	
Scale : 1/32"=1'-0"	

ALL INFORMATION AND DIMENSIONS MUST BE CHECKED AND VERIFIED ON SITE. DO NOT SCALE DRAWINGS. ANY VARIANCES OR DISCREPANCIES MUST BE REPORTED TO THE DESIGNER PRIOR TO COMMENCEMENT OF THE WORK. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH ALL BY-LAWS AND CODES HAVING JURISDICTION OVER THIS CONSTRUCTION SITE. THE DESIGN AND CONTRACT DRAWINGS ARE THE COPYRIGHT OF THE DESIGNER AND MAY NOT BE REPRODUCED, REUSED OR ALTERED WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.

R1	Drive way Revision	06-20-23
No.	Revision/Issue	Date

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Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/044/M 103 Barton Street

General Description of Application:

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

- A minimum front yard setback of 4.0 metres, whereas a minimum front yard setback of 6.0 metres is required.

The subject property is known municipally as 103 Barton Street and is legally described as Lot 13 on Registered Plan 392. The lot is located at the north west corner of Barton Street and Bell Street and currently contains a 1 storey single detached dwelling with a detached garage in the rear yard.

The applicant is proposing to demolish the existing 1 storey single detached dwelling and detached garage, and construct a new 2 storey single detached dwelling with an attached garage. The applicant applied for site plan approval for the new dwelling in September 2021 and site plan approval was issued in July 26, 2022. Although the design of the dwelling has not substantially changed since site plan approval, the applicant has submitted the subject minor variance to permit the new dwelling to be located closer to the Barton Street street line.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan on Schedule B 'Urban Area Land Use Plan'. This designation permits single detached dwellings and accessory structures.

The property is also located within a Character Area as described on Schedule D of the Official Plan and a Mature Neighbourhood Area on Schedule F of the Town of Milton Zoning By-law 016-2014. On October 19th, 2020 Milton Council passed Official Plan Amendment No. 60 and an accompanying Zoning By-law Amendment for the Downtown Character Area in accordance with the Mature Neighbourhoods Character Study. The Official Plan Amendment updated the Town's policies to better manage development in Mature Neighbourhood and Character Areas, and the Zoning By-law Amendment introduced new standards that apply to low-density residential development in the Downtown Character Area.

The Official Plan policies intend for Mature Neighbourhood Areas around the Central Business District to remain relatively stable. The policies specify that in these areas, infill and development must be compatible with and respectful of the existing neighbourhood character. Staff have noted the following policies in the evaluation of the proposed minor variances:

- “The preservation of the existing pattern of setbacks in the Established Urban Area shall be supported so that new buildings, additions and alterations to existing buildings do not substantially alter the existing character of the neighbourhood or district.” (Section 2.8.3.10)
- “Proposed development in the form of new housing, replacement housing, and additions and alterations within Mature Neighbourhood Areas may be permitted provided they are compatible and respectful of the character of the neighbourhood by incorporating scale, massing, building height, and other characteristics that are prevalent in the Mature Neighbourhood Area.” (Section 3.2.1.8)
- “Proposed development should be generally consistent with the setbacks, orientation and building separation distances within the Mature Neighbourhood Area.” (Section 3.2.1.9)
- “Mature Neighbourhood Areas shall be identified in the Town’s Zoning By-law. The implementing Zoning By-law shall further detail appropriate standards for new development within Mature Neighbourhood Areas, including lot coverage, lot frontage, and building height and setbacks, among other standards.” (Section 3.2.1.10)
- “Minor variance applications for development within Mature Neighbourhood Areas shall be evaluated based on the following additional criteria:
 - a) that the scale, massing, building height, built form features and coverage are compatible with and respectful of the existing character of the Mature Neighbourhood Area; and
 - b) that the impacts on adjacent properties are minimized.” (Section 5.8.3.2)

Urban design and policy staff have reviewed the application and have noted that, the proposed front yard setback reduction would not be consistent with the findings, and ultimate recommendations of the Mature Neighbourhood Area Study. The front yard setback reduction as proposed, would not be consistent with the findings, recommendations and ultimate approach for Barton Street.

It is Staff’s opinion that the proposal is not in conformity with the Town of Milton Official Plan.

Zoning:

The subject lands are zoned as Residential Low Density 1 with site specific provisions *279 (RLD1*279) in the Town of Milton Urban Zoning By-law 016-2014, as amended. In this zone, single detached dwellings, semi-detached dwellings and accessory structures are permitted.

Site specific provision *279 requires a minimum front yard setback of 6.0 metres, whereas the standard RLD1 zone requires a minimum front yard setback of 4.0 metres.

The applicant is requesting a minimum front yard setback of 4.0 metres (a reduction of 2.0 metres) to facilitate the proposed location of the single detached dwelling.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, July 11, 2023. As of the writing of this report on, July 19, 2023, staff have not received any comments from members of the public.

Agency Consultation

The following comments were provided by Town staff and external agencies:

Development Engineering

1. The curb cut entrance permit is required prior construction.
2. After installation of sanitary lateral the disturbed areas must be restore as per Town's construction standards manual.
3. As per Engineering standards manual the maximum driveway slope allowance is six percent.

Urban Design/ Policy

In recent years, the Town conducted a Mature Neighbourhoods Character Study, which assessed the built form and natural features that define the character of various mature areas in Central Milton and recommended enhanced Official Plan policies and Zoning By-law regulations that ensure that new development in the form of new builds or additions to existing buildings be respectful of the existing character.

These Mature Neighbourhood Area policies and Zoning By-law regulations were positively received by Council and residents and are now in full force and effect. These should inform development within these areas.

For Barton Street in particular the study concluded a new zone (RLD1*279) and introduced a greater front yard setback of 6 metres (from the former 4m setback that was found to be not consistent with existing development), that best represent the streetscape conditions. Since the new Zone was introduced, Urban Design staff has been able to review Planning Act applications for developments on Barton Street and confirm that the implementation of the minimum 6m front yard to new builds is the most appropriate approach to addressing the streetscape and respecting the neighbourhood character.

Urban design Staff reviewed the Site Plan application SP-25-21 and supported the proposed development under the aforementioned assumption. A front yard setback reduction, as now proposed, would not be consistent with the findings, recommendations and ultimate approach to this street.

Staff encourages the applicant to retain the front yard setback at 6 metres, as already approved, and to not pursue a reduction, which would not represent a proper transition to the adjacent dwellings and would not enhance the residential character of the area, demonstrated in other recent developments on Barton Street.

Development Review Comments:

The applicant has requested a minor variance to permit a minimum front yard setback of 4.0 metres, whereas a minimum front yard setback of 6.0 metres is required. The applicant is proposing to demolish the existing one storey single detached dwelling and construct a new two storey single detached dwelling on the lot. Although the new single detached dwelling was site plan approved in September 2021, the applicant has

requested the subject variance to relocate the dwelling closer to the Barton Street street line.

The minimum 6 metre front yard setback provision was incorporated into the Zoning By-law through the Mature Neighbourhoods Character Study. The Study sought to address Council and resident concerns regarding the impact that new houses and significant renovations were having to the existing character of mature neighbourhoods. The community felt that many new developments were out of scale with existing buildings in the neighbourhood. The findings of this study informed the amendments to the Official Plan and Zoning By-law.

One part of the study included a detailed review of Old Milton, including Barton Street. The study found that within the area of Old Milton where the subject property is located, that a minimum front yard setback of 6.0 metres was more consistent with the character of this neighbourhood, rather than the minimum 4.0 metre setback required for other lots zoned RLD and RLD1 with no site specific provision. Based on the results of this study and public consultation, the Zoning By-law was amended to include site specific *279 on the lands, which required the minimum 6.0 metre front yard setback.

The proposed front yard setback of 4.0 metres is not consistent with the character of the neighbourhood and does not meet the intent of the Official Plan policies and Zoning By-law provisions. It is staff's opinion, that the proposed variance is not minor, is not desirable for the lands, and does not meet the intent of the Official Plan and Zoning By-law.

Recommendation:

THAT the application for minor variance **BE DENIED**.

Natalie Stopar

Natalie Stopar, MCIP, RPP
Planner, Development Review

July 19, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/045/M 200 Chisholm Drive

General Description of Application:

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

- A maximum building height of 6.91 metres for an accessory structure, whereas a maximum building height of 5.5 metres is permitted for accessory structures in a non-residential zone.

The subject property is known municipally as 200 Chisholm Drive and is legally described as Concession NE Lots 1 & 3 on Reference Plan 20R-10363 Parts 1 & 4. The lot is located on the south side of Chisholm Drive in an industrial subdivision south of the 401.

The applicant has requested a variance to permit an accessory structure for equipment storage. The structure is proposed to be located adjacent to the northern side of the building.

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

The subject property is designated as Industrial Area in the Town of Milton Official Plan and in the 401 Business Park Secondary Plan area. The Industrial Area designation is an employment designation which provides for a full range of light and general industrial uses.

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 General Industrial zone (M2) in Zoning By-law 016-2014 as amended. The M2 zone permits a variety of industrial uses including outdoor storage.

Section 4.2.3 i) Table 4B states that a maximum building height of 5.5 metres shall be permitted for an accessory structure in a non-residential zone. The applicant is requesting permission to permit an accessory structure height of 6.91 metres (an increase of 1.4 metres).

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, July 11, 2023. As of the writing of this report on, July 19, 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 comment is noted:

Halton Region

It should be noted that the entire property is identified as having archaeological potential. Although an archaeological assessment is not required by Halton Region, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites and the Ministry of Citizenship and Multiculturalism. All soil disturbance must stop to allow the authorities to investigate.

Development Review Comments:

The applicant has requested a variance to permit an accessory structure for equipment storage. The structure is proposed to be located adjacent to the northern side of the building.

The intent of this Zoning By-law provision is to ensure that accessory structures remain clearly secondary to the primary use and do not adversely impact adjacent properties. Staff have no objection to the proposed height of the accessory structure as the structure will be clearly secondary to the primary structure it will not adversely impact adjacent industrial lands.

Based on the foregoing, staff is of the opinion that the requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning Bylaw and is desirable for the development and use of the land.

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

July 19, 2023