



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

July 27, 2023, 6:00 p.m.

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

Members Absent: Christopher Trombino

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.

1. AGENDA ANNOUNCEMENTS / AMENDMENTS

There were no agenda announcements/amendments.

2. DISCLOSURE OF PECUNIARY INTEREST

Member Slaght declared a conflict of interest for application A23-047/M 4006 25 Side Road, the reason being he works at Conservation Halton which was one of the agencies that provided comments for this application.

3. MINUTES

3.1 Minutes of Committee of Adjustment Hearing held on June 29, 2023

BE IT RESOLVED THAT

1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, June 29, 2023 BE APPROVED.

Carried

4. HOUSEKEEPING

Chair Kluge provided an overview of the housekeeping items.

5. **ITEMS FOR CONSIDERATION**

5.1 **A23-046/M - 6670, 6710, 6750 and 6790 Fifth Line**

Jessica Kwan, agent for the applicant 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 (A23-046/M) for 6670,6710,6750 & 6790 Fifth Line in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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

Carried

5.2 **A23-047/M - 4006 25 Side Road**

The agent of the applicant, Parag Murkute, address: 75-475 Bramalea Road Brampton provided an overview of the application.

Planner Rachel Suffern provided an overview of the application from a planning perspective.

Public Participation

Member of the public Eric Chandler, address: 4095 EnnisClare Drive, expressed his following concerns being, the proposed 8 car garage is a component part of a transition to a new illegal use on the property. Mr.Chandler states there are repeated and consistent semi-truck parking and transitioning occurring. There are hundreds of tons of soil deposited on the grounds and he is unsure whether or not the soil has been tested. There has also been an industrial security fence put up. He presumes that aside from personal uses this proposed garage will also be used as a truck depot, used for gain and not solely for accessory uses. The home industry definition in the By-law also states that no motor vehicle related

activity, including the maintenance of the vehicles is permitted. To designate this properly you would have to go through an OBA and ZBA to properly zone and designate this as an employment area. The committee should be aware that the province enacted a new legislation such that every conservation authority across the province now does not assess natural environment.

Member of the public, Susan Wood, address: 12527 Fourth Line Nassagaweya, the property adjacent to the subject lands, is concerned with the intended use of the proposed building. She claimed to have had a conversation with the applicant's son on July 11, in which she inquired about the proposed 8 car garage, in which she claimed that the son told Ms. Wood that his dad needs a place to work on his trucks, and it is legal, and all permits are in place. She claimed she was not aware of any permits, as there wasn't any posted. She also claimed there is a huge number of trucks and heavy equipment traffic well over the 4,500kg weight limit. She also witnessed the barrage of dump trucks, dumping fill onto the property. She believes that a garage of this size could potentially have an environmental impact, as there is water run off that will be accelerated from the height of the roof and has further force to carry on down the slope, carrying containments or toxins to the swamp.

Member of the public, Cindy Lou, address: 4159 25 Side Road, stated how large in scale she feels this proposed garage is. The proposed garage is 800 square feet, meanwhile the home itself is 1400 square feet stating the garage is unrealistic in comparison to the size of the home, especially for the personal uses such as storing antique cars. She is concerned that by approving the garage, this property will transform into a transport hub/business, creating compliance issues that could have been avoided. Rather the applicant should build a garage that would be more realistic with the size of their home.

Member of the public, Matthew Harrison, address: 4220 EnnisClare Drive, claimed he has witnessed on an average 2-3 times a week the soil fill being dumped onto the property and the barrage of dump trucks, tractor trailers, trucks always on the property.

Member of the public, Astrid LaKats, address: 4070 EnnisClare Drive, believes the variance request to increase the Gross Floor Area from 93 squared metres to 173 metres squared metres, isn't minor in nature as it is an 86% increase, almost doubling the size of what is permitted within the Zoning By-law. She also stated perhaps, the committee should wait until

remediation work on the property is completed prior to approving the garage, as people don't know what the use is going to be.

Member of the public, Doug Watson, address: 4070 EnnisClare Drive, read out loud written comments from his Neighbours.

Questions to Planner Suffern

Member Ellahi inquired about the existing dwelling shown on one of the site plans, and whether or not that is demolished, and if the permit is also closed. Planner Suffern confirmed the dwelling on the corner of fourth line and 25 Side Road was demolished around 2016-2017 through a previous variance approval, and the permit is closed.

Member Jayaveer inquired about the potential for the applicants to come back if they need another variance. Planner Suffern stated that through inspections they were made aware of the works that were completed on the barn. The Town is currently reviewing the exact uses of the barn with the owner(s) of the property. Once the uses are determined, the barn can be properly zoned, and thus if need be, can be brought before the committee for a minor variance prior to building permit issuance. In order to legalize any work that was completed, or further work proposed, a building permit will be required. Member Jayaveer inquired an approximate timeline of when the zoning provisions would be determined. Planner Suffern claimed she is hopeful within the next month.

Chair Kluge inquired whether or not By-law enforcement can enter wherever they need to on the property. Planner Suffern claimed that is correct. Chair Kluge spoke to the comments of the public being, to avoid future compliance issues by not approving the variance for the garage. Chair Kluge hypothetically spoke that if the 8-car garage was approved by the committee, this does not give the owner permission to run a business out of their property. The application presented before the committee is for an 8-car garage of parking, it is not to approve commercial uses. Planner Suffern stated the 8-car garage is only permitted to facilitate uses that are permitted through the zones. If the committee wanted to approve the variance, it is solely for a residential detached garage, and it is not for facilitating any future uses. As noted by one of the members of the public, any use beyond the restrictive GBA zone would likely require a minimum, official plan and zoning by-law amendments. Thus, there would be significant planning approvals required to facilitate any commercial, industrial uses. Chair Kluge then asked if it came down to it, through complaints, etc that there was a trucking company on the property, By-law

enforcement would be required to ensure the owners remediate and bring the garage into conformity with the town's official plan and zoning By-law. Planner Suffern stated this is correct.

Member Jayveer, further inquired about the barn structure on the property. She asked if the Barn was considered an accessory structure, could further variances then be triggered onto the 8-car detached garage, for example an increase in Gross Floor Area. Planner Suffern stated, the 8-car detached garage is not based on accumulative Gross Floor Area, and it would be based on per detached garage. In the rural areas, accessory structures are considered on a cumulative basis.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-047/M) for 4006 25 Side Road in the Town of Milton **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.

Carried

5.3 A23-044/M - 103 Barton Street

Jeff Jansen, agent for the applicant, address: 70 Main Street, Campbellville provided an overview of the application.

Questions to agent Jeff Jansen

Member Ellahi inquired, what the intended use of the area where the proposed 4 metre setback is. Agent Jansen claims the intended 4 metre setback use is for landscape. Member Ellahi then inquired after the 4 metre setback, would the inside space be used as an in-law suite. Agent Jansen confirmed it would be created into an in-law suite. He also stated there is also a finished basement for one of the kids and their spouse to live in. Member Ellahi brought up that according to the drawings there is a very large cold room space, and the below grade stairs leading to the basement, which can be redesigned to accommodate those additional living spaces. He then asks why is there an elaborate cold storage and below grade stairs, when the owner could get rid of this to avoid the minor variance setback of 4 metres. Agent Jansen claimed he is not disagreeing with member Ellahi's point as you could redesign some of the house. He claimed, it is to give the rear stairs a proper egress out of the property. He believes the secondary driveway at the back can be maintained, thus giving the owner's kid and spouse whom would be living downstairs a walk out onto the backyard. The covered porch is more amenity area for the main floor living. Member Ellahi stated the Town of Milton's By-law with respect to the additional dwelling unit is not confirmed, we don't know what length and width is allowed, thus it is very pre-emptive to say that we are keeping a certain distance.

Member Tyler Slaght asked agent Jansen to speak to the section of the application form, where it states the reason it is not possible for the applicant to comply with the zoning by-law requirements is to allow additional rear yard amenities space, and to also allow for the potential feature installation of an inground pool. Agent Jansen, claimed that is about an oversight from before and there is no pool going in. Rather they are trying to maintain the building through OPA and re-zoning.

Chair Kluge inquired if there is a sidewalk in front of this property. Agent Jansen stated there is no sidewalk. From the back of curb to the property line there is 5.41 metres of town owned right away, then from that property line they want to go back 4 metres and opposed to 6 metres. Agent Jansen stated that is correct. Chair Kluge then asked if he were to stand on the road, as there is no sidewalk, the house would be 9.41 metres set

back, and all of that would be driveway, the owner's driveway and the town's right of way which is also driveway. Agent Jeff stated that is also correct.

Public Participation

Member of the public, Karen Russell, address: 86 Barton Street stated her concern is the houses proximity to the street and to the corner and the fact that Bell Street and Barton Street are both busy streets, and the sightlines may be obstructed by the house's proximity to the street. She also stated her other concern is the amount of parking needed for the vehicles for all the people living in this house. She also stated from a visual aspect all of the houses on the north side of the street are all setback the same distance, and thus this house would look out of place.

Questions to Planner Stopar

Member Slaght inquired if the property was subject to site plan control. Planner Stopar stated the property is no longer subject to site plan control as per the changes made by the province. This property previously obtained site plan approval for the single detached dwelling and the design hasn't changed much since that approval, with the exception of this setback variance. But the overall design of the house is pretty consistent with what was reviewed through the site plan application. Member Slaght then asked if there were any visual concerns or any requests for a day light triangle by engineering staff. Planner Stopar stated she wasn't involved with the site plan application or the site plan application approval. However, when the site plan was under review, it did show the 6 metre front yard setback required by RLD1 zone, and within the Zoning By-law there is daylight triangle requirements at the corner, where obstructions impacting sightlines is not permitted. Member Slaght then inquired if there were issues with the daylight triangle they would have been flagged and potentially apart of this variance request. Planner Suffern stated, engineering and zoning staff would have identified any issues with the day light triangle through the minor variance review. As what's shown those site lines are maintained.

Chair Kluge inquired how out of place would this 4 metre setback be with their next-door neighbour. Planner Stopar stated a policy planner completed a character area study for this neighbourhood, which included Barton Street. An analysis of all the existing houses in the neighbourhood including setbacks was completed. The policy planner concluded; the existing 4 metre setback was not in keeping with the character of the

neighbourhood. And thus the 6 metre setback should be maintained, and the 4 metre setback in which was previously permitted would not be in keeping with the character. Chair Kluge then questioned 92 Barton Street, which does not have a 6 metre setback. Planner Stopar stated the changes to the zoning by-law from 4 metre to 6 metre setback was made in the year of 2020 through the character study. The character study originated from council and public concerns of the size and number of developments happening within these mature neighbourhoods, and that those developments were not consistent or respectful of the character of those neighbourhoods. Thus, the study was initiated to ensure all new developments moving forward would be more consistent with the existing character. Chair Kluge states on an urban service lot, you can have a primary dwelling unit, an accessory unit in the building and a detached accessory unit as of right. Planner Stopar has stated the province has made changes, which allows up to three residential units per lot. The applicant could easily do a single detached dwelling with an accessory apartment, the challenge with our current zoning framework with the dwelling units that are detached is our accessory structure provisions, which is what they would fall under wouldn't really allow you to convert an existing accessory structure to an accessory dwelling unit while meeting all of the building code requirements. Council has initiated an additional dwelling unit study where they are looking at what would the town zoning provisions be for these dwellings. Because, at this point we haven't issued any building permits for those structures.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23 – 044/M) for 103 Barton Street in the Town of Milton **BE DENIED.**

Carried

5.4 A23-045/M - 200 Chisholm Drive

Scott Tyler agent for the applicant, address: 200 Chisholm Drive 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 – 045/M) for 200 Chisholm Drive in the Town

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

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

Carried

6. NEXT MEETING

Thursday, August 31, 2023 commencing at 6:00 p.m.

7. ADJOURNMENT

There being no further business to discuss the Chair adjourned the meeting at 7:21 p.m.

Greta Susa, Acting Secretary Treasurer