



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

Thursday, October 26, 2023, 6:00 p.m.  
Council Chambers - In Person

The Town of Milton is resuming the Committee of Adjustment and Consent (COA) meetings in person as of January 26, 2023. Applicants and interested parties can participate in person at Town Hall, Council Chambers, 150 Mary Street.

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A minor variance is being requested to construct a mezzanine for additional storage area. As a result of the added gross floor area being proposed, the required parking for the site increases.

**7. NEXT MEETING**

**8. ADJOURNMENT**

**Note:** Should the livestream of this meeting be interrupted due to technical reasons, a recording of the meeting's proceedings will be posted to the Town website as soon as reasonably possible.



The Corporation of the  
Town of Milton  
Committee of Adjustment Minutes

September 28, 2023, 6:00 p.m.

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

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 were no agenda announcements/amendments.

2. **DISCLOSURE OF PECUNIARY INTEREST**

There we no disclosure of pecuniary intertest.

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

3.1 **A23-051/M 1339 Chretien Street**

4. **MINUTES**

**BE IT RESOLVED THAT**

1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, August 31, 2023 BE APPROVED.

**Carried**

5. **ITEMS FOR CONSIDERATION**

5.1 **A23-050M - 48 Bardoe Cres**

Owner of the application, Kimberly Vivian and Elroy Tennikat address: 48 Bardoe Crescent Milton 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- 050/M) for 48 Bardoe Crescent in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the proposed gazebo shall be located in accordance with the site plan, date stamped by Town Zoning on June 21, 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 A23-060M - 267 Woodward Ave**

Agent of the applicant, Jeff Jansen, address: 70 Main Street North, PO Box 38, Campbellville, provided an overview of the application.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-060/M) for 267 Woodward Avenue in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the Owner provide the Town with a detailed grading plan, to the satisfaction of Development Engineering staff;
2. That a building permit application be obtained for the existing addition to the rear of the detached dwelling.
3. That a building permit application be obtained for the detached garage 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.

**Carried**

### **5.3 A23-067M - 43 Barton Street**

Agent of the applicant, Jeff Jansen, address: 70 Main Street North, PO Box 38, Campbellville, provided an overview of the application.

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

Chair Kluge asked if Milton is going to look at covered porches not being included as livable spaces as it is opened on three sides. Planner Suffern stated she believes the intent especially during a mature character study was to accommodate additional run off from any covered area. She also noted within certain zones within the mature neighbourhood area there is an additional allocation for porches, so it is somewhat considered that it might not trigger a variance if it can be caught in that additional allocation.

#### **BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-067/M) for 43 Barton Street in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the porch shall be located and constructed in accordance with the site plan and building elevations, prepared by Jeff Jansen Consulting, date stamped by Town Zoning on August 14, 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**

### **5.4 A23-071M - 130 Thompson Road**

Agent for the applicant, Gabriel Di Martino, address: 8700 Dufferin Street, Vaughan 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 (A23-071/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**

**5.5 A23-072M - 741 Scott Boulevard**

Owner Azim Uddin, address: 741 Scott Boulevard provided an overview of the application.

**Questions to Town Planner Rachel Suffern**

Mr.Slaght inquired whether or not the parking space that appears to be built after the fact is or is not a legal parking spot. Planner Suffern claimed the driveway extension itself does maintain the permitted width of the Zoning By-law, thus from that perspective the hardscaping is legal, however the parking space itself is not compliant as a third legal parking space as it cannot maintain the required length of 5.5 metres.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-072/M) for 741 Scott Boulevard in the Town of Milton **BE DENIED for the following reasons:**

1. The variance is not minor nature.
2. It does not maintain the intent of the Zoning By-law and Official Plan.
3. It is not desirable for the development of the subject lands.

Carried

**5.6 A23-073M - 12600 Sixth Line Nassagaweya**

Agent for the applicant, Ryan Green, address: 1-373 Queen Street, Acton 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 (A23-073/M) for 12600 Sixth Line Nassagaweya 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

**5.7 A23-070M - 174 Martin Street**

The agent and/or the applicant was not in attendance.

Town Planner Taylor Wellings 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 (A23-070/M) for 174 Martin Street in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the detached garage shall be located and constructed in accordance with the site plan and building elevations, prepared by TBPG Drafting & Design date stamped by Town Zoning on August 14, 2023.
2. That a grading plan be provided to the satisfaction of Development Engineering staff.



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.

**Carried**

#### **5.8 A23-065M - 435 Tilt Point**

Kruti Shah, agent for the applicant, address: 4 Abacus Road Brampton, 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 (A23-065/M) for 435 Tilt Point in the Town of Milton  
**BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by RJ CAD Solutions, date stamped by Town Zoning on August 21, 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**

#### **5.9 A23-066M - 1499 Kitchen Court**

Navpreet Kaur, agent for the applicant, address: 19-2131 Williams Parkway, Brampton 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 (A23-066/M) for 1499 Kitchen Court in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Noble Prime Solutions Ltd., date stamped by Town Zoning on August 14, 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**

#### **5.10 A23-069M - 305 Nairn Circle**

Mohammed Syed, agent for the applicant, address: 6 Ripon Street Mississauga, 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 (A23-069/M) for 305 Nairn Circle in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Mechways Inc., date stamped by Town Zoning on August 11, 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**

### **5.11 A23-062M - 933 Maple Avenue**

Vivek Gupta, agent for the applicant, address: 603 Argus Road Oakville, provided an overview of the application.

#### **Questions to the Agent**

Member Ellahi asked the agent to confirm the drawings submitted are reflecting the exact site conditions, especially drawing A-103. Agent Gupta stated the drawings reflect the site conditions.

#### **BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23 –062//M) for 933 Maple Avenue in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the below grade stairs shall be generally located and constructed in accordance with the site plan, prepared by iTiBuilding Permit Designer Inc. date stamped by Town Zoning on August 14, 2023;
2. That a building permit application be obtained within two (2) years from the date of this decision; 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 and/or a building permit is not secured.

**Carried**

### **5.12 A23-064M - 1046 Easterbrook Crescent**

Mohammed Syed, agent for the applicant, address: 6 Ripon Street Mississauga, 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 (A23-064/M) for 1046 Easterbrook Crescent in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared

by Mechways Inc., date stamped by Town Zoning on September 5, 2023.

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

**Carried**

#### **5.13 A23-068M - 1074 Job Crescent**

Jamuna Sivaakaran, owner, address: 1074 Job Crescent 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 (A23-068/M) for 1074 Job Crescent in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Raj Balasundaram, date stamped by Town Zoning on August 16, 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**

#### **5.14 A23-063M - 1283 Kovachik Boulevard**

Mohammed Syed, agent for the applicant, 6 Ripon Street, Mississauga, 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 (A23-063 M) for 1283 Kovachik Boulevard in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Mechways Inc., date stamped by Town Zoning on August 14, 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**

#### **5.15 A23-061M - 823 Whitlock Avenue**

Navpreet Kaur, agent for the applicant, address: 19-2131 Williams Parkway, Brampton provided an overview of the application.

#### **Questions to Town Planner Taylor Wellings**

Chair Kluge asked Town Planner Wellings to confirm that the property has two parking spaces on the driveway and one parking space in the garage. Town Planner Wellings confirmed that is correct.

#### **BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-061/M) for 823 Whitlock Avenue in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by RJ Cad Solutions, date stamped by Town Zoning on August 14, 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**

**6. NEXT MEETING**

Thursday, October 26, 2023, commencing at 6:00 p.m.

**7. ADJOURNMENT**

There being no further business to discuss the Chair adjourned the meeting at 6:56 p.m.

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Serena Graci, Secretary Treasurer



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-23/074/M 629 Trudeau Drive

#### 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. An encroachment of an architectural building feature with an area of 0.613 square metres into a required rectangular shaped parking space; and
2. Two parking spaces to be a minimum of 2.6 metres wide by 5.5 metres long, whereas a parking space is required to be a minimum of 2.75 metres wide by 5.5 metres long (a decrease in the width by 0.15 metres for each space).

The subject property is known municipally as 629 Trudeau Drive and is legally described as Lot 264 on Registered Plan 20M-773. The property is located at the corner of Trudeau Drive and Ramshaw Crescent in a low density residential neighbourhood.

The applicant is proposing to construct a basement accessory apartment. In order to permit the basement apartment, the Zoning By-law requires a minimum of three parking spaces. The applicant is proposing to provide one parking space within the garage and two parking spaces on the driveway. As the existing driveway is not wide enough to accommodate two full-sized parking spaces as per the Zoning By-law, the applicant has requested a minor variance to reduce the minimum width of both parking spaces on the driveway, and to permit an encroachment into one of the parking spaces.

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

Within the Official Plan, the subject property is designated Residential Area. This designation establishes that the primary use of land shall be a mix of low, medium and high density residential development. Second Residential Units are permitted.

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

#### Zoning:

The subject lands are zoned Residential Medium Density 1 (RMD1) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1 zone permits a variety of residential uses, including detached, semi-detached, townhouse and duplex dwellings. The by-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria:

- i. Only 1 accessory dwelling unit shall be permitted per lot and shall be located within the main dwelling unit;

- ii. A minimum of 1 parking space per accessory dwelling unit is provided in addition to the required parking for the main dwelling unit;
- iii. The dwelling must be on full municipal water and wastewater services; and,
- iv. The accessory dwelling unit shall not exceed a maximum size of 85m<sup>2</sup>.

Zoning staff have confirmed that, with the exception of provision ii), the above noted criteria have been satisfied.

#### Variance 1: Encroachment of Architectural Feature

Section 13.1.1.35 a) of the Zoning By-law states that each parking space shall provide a minimum size of 2.7 metres x 5.5 metres, with a rectangular shape and be readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving any other vehicle or obstruction. The applicant is proposing to provide 2 parking spaces on the driveway, of which one parking space will have an encroachment of an architectural feature (bay window) with an area of 0.613 square metres into a required rectangular shaped parking space

#### Variance 2: Parking Stall Width

Section 5.6.2 i) of the Zoning By-law requires that the minimum size of a required parking space on a Residential Driveway shall be 2.75 metres wide by 5.5 metres in length. To accommodate two parking spaces on the driveway, the applicant has requested a reduction in the minimum parking space width to 2.60 metres (a reduction of 0.15 metres) for both parking spaces.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, October 12, 2023. As of the writing of this report on, October 18, 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.

### **Development Review Comments:**

The applicant is seeking to construct an accessory dwelling unit within the basement of an existing detached dwelling. As required by the Zoning By-law, in order to accommodate the accessory apartment a minimum of 3 parking spaces must be provided (2 parking spaces for the main dwelling unit and 1 additional space for the accessory dwelling unit). Currently, two parking spaces are provided in accordance with the Zoning By-law, with one space located in the garage and one space located on the driveway.

To permit two parking spaces on the driveway, the applicant is seeking to permit an architectural feature to encroach 0.613 square metres into the required parking space, and to permit a reduction in the width of both parking spaces to 2.60 metres wide (a reduction of 0.15 metres per space).

The existing driveway has been widened to permit the residents to park 2 vehicles in the driveway. Staff note that the current driveway width complies with the Zoning By-law



however a 0.6 metre portion of the driveway along the interior side yard must be removed and reinstated to a permeable landscape surface such as grass, shrubs, or river rock. Once the landscaping strip in the interior side yard is reinstated, the driveway will have a width of 5.2 metres wide. Additionally, a portion of a window well at the front of the dwelling will encroach into the top corner of the parking stall.

The intent of the minimum parking space requirements of the Zoning By-law is to ensure that adequate parking is provided for the residential use and that the parking spaces are accessible and functional. The applicant has provided pictures showing that 2 vehicles can park on the existing driveway with no encroachment over the sidewalk. As the additional parking space required for the accessory dwelling unit can be adequately provided on the lands, the intent of the Zoning By-law is being met. The reduced width of 0.15 metres per space is minor in nature and will not significantly impact an owner's ability to enter or exit the vehicles on the driveway.

Based on the foregoing, staff is of the opinion that the requested variances are minor in nature, conform to the general policies and intent of both the Official Plan and Zoning By-law and are appropriate for the development and use of the land.

**Recommendation:**

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

1. That the minimum required 0.6 metre permeable residential landscape surface abutting the interior side lot line be reinstated in accordance with the Zoning By-law;
2. That a building permit application for the accessory apartment be obtained within two (2) years from the date of this decision; 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 and/or a building permit is not secured.

**Natalie Stopar**

Natalie Stopar, MCIP, RPP  
Planner, Development Review

October 18, 2023



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-23-077 442 Cedric Terrace

#### 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 secondary dwelling unit:

- To allow stairs, below grade accessing a principal building to encroach into the required exterior side yard, 1.08 metres, 0.92 metres encroachment

The subject property is known municipally as 442 Cedric Terrace and located on the corner of Cedric Terrace on the opposite side to Harrison Park. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and primarily comprised of single-detached dwellings.

The applicant is proposing to construct a basement apartment, where the entrance to the accessory apartment is located in the exterior side yard. The minor variance is required to permit the below grade stairs in the exterior side yard.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan. This designation permits single detached dwellings and Secondary Residential Units are also permitted. 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 Residential Medium Density 1 (RMD1) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1 zone permits a variety of residential uses, including detached and townhouse dwellings as well as accessory dwelling unit in single detached dwellings.

Section 4.19.5 i Table 4H of the Zoning By-law does not permit stairs, below grade accessing a principal building to encroach into an exterior side yard. A minimum of 1.2 metres interior side yard is required on one side and 2.4 metres on the other side.

The applicant is requesting permission to allow stars to encroach into the exterior side yard at 1.08 metres, a difference of 0.92 metres, to facilitate the proposal.

#### Consultation

##### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on October 12, 2023. As of the writing of this report on October 18, 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 permit below grade stairs, accessing an accessory apartment, in the interior side yard. The request has come forward as the homeowner is finishing their basement which will be utilized as an accessory dwelling unit which includes an entrance with below-grade stairs.

As noted above, Section 4.19.5 i Table 4H of the Zoning By-law does not permit stairs, below grade accessing a principal building to encroach into an exterior side yard. A minimum of 1.2 metres interior side yard is required on one side and 2.4 metres on the other side. The applicant is requesting permission to allow stairs to encroach into the exterior side yard at 1.08 metres, a difference of 0.92 metres, to facilitate the proposal. It should be noted that the entrance and stairs will be located on the side with the greater side yard setback of 2.6 metres.

Planning Staff are of the opinion that the encroachment into the exterior side yard is minor and will not impact adjacent properties or the functionality of the single detached dwelling and accessory apartment. It should also be noted that the property currently is fenced and the stairs will be shielded from the front of the property and will not negatively impact the character of the home. Development Engineering Staff have confirmed that there are no concerns from an engineering perspective.

Planning staff have reviewed the requested variance and offer no objection to its approval. 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 secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Majid Shamil, date stamped by Town Zoning on September 8, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP  
Planner, Development Review

October 18, 2023



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A23-084 11295 Guelph Line (Regional Road 1)

#### General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 144/-200, as amended, has been requested to permit:

1. To allow the minimum front yard setback of 3.78 metres (a difference of - 2.22 metres) for an accessory building;
2. To allow a maximum permitted gross floor area of accessory building(s) to be 160.2 square metres (a difference of +120.2 square metres) for an accessory building;
3. To allow the maximum permitted building height to be 6.7 metres (a difference of + 3.0 metres), for an accessory building;
4. To allow the maximum permitted building height to be 12.0 metres (a difference of + 1.0 metres), for a proposed dwelling; and
5. To allow two (2) residential dwellings on a lot, for a temporary period, whereas a maximum of one residential building is permitted on a lot.

The subject property is known municipally as 11295 Guelph Line and located adjacent to Brockville Public School near Brockville Park. The subject property contains an existing heritage dwelling with an associated barn. The homeowner has confirmed that the barn will be demolished. Surrounding uses are hamlet-residential.

The applicant is proposing to convert the existing heritage dwelling to an accessory building which will be utilized as additional living space and an office area for personal use by the homeowner. The applicant has agreed to decommission the kitchen and bathroom facilities in the existing heritage dwelling once it is converted which will ensure it remains non-habitable. As noted above, three variance requests have come forward to allow for this conversion of the existing heritage dwelling into an accessory building. Further, the homeowner has also requested permission to allow for an increase in building height for the proposed dwelling which will be constructed in the rear of the property. This is due to the design of the proposed dwelling. Lastly, the applicant is also requesting permission to allow for the existing heritage dwelling to remain on the property and to have the ability to reside in this home while a new dwelling is built that the family will eventually reside in.

Through the introduction *Bill 23 - More Homes, Built Faster Act*, the Province made changes to the Ontario Heritage Act (OHA), Effective January 2025, the Town of Milton Heritage register shall only contain designated heritage properties. All currently listed but not designated heritage properties will be removed from the Register. The existing dwelling on the subject property is a listed but not a designated heritage property.

Town staff worked with the applicant prior to the minor variance application being filed. The applicant understands the value and significance for allowing the existing dwelling to remain and agreed to convert the existing dwelling into an accessory building while moving forward with their plans to build a new single-detached dwelling. At this time, the applicant has decided to consider the option of designating the heritage home at a later date. Town staff are pleased that the heritage dwelling will remain on the property.

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

The subject property is designated Hamlet on Schedule A-Land Use Plan of the Town of Milton Official Plan and the Hamlet of Brockville Secondary Plan (C.5). Uses such as single detached dwellings on existing lots, accessory structures, cottage industries and home occupations are permitted within the Hamlet designation.

**Zoning:**

The subject lands are zoned Hamlet Commercial Zone (C4) of the Comprehensive Zoning By-law 144-2003 as amended. In this zone, residential uses are permitted in the form of a single detached dwelling as well as accessory structures.

Variance 1 - Minimum Front Yard Setback of an Accessory Building

Section 4.1.1.1 Table 4A of the Town's Zoning By-law states that the minimum front yard setback of an accessory building is required to be 6.0 metres. The applicant is requesting permission to allow for the front yard setback to be 3.78 metres, a difference of - 2.22 metres, to facilitate the proposal.

Variance 2 - Maximum Gross Floor Area of an Accessory Building

Section 4.1.1.1 Table 4A of the Town's Zoning By-law states that the maximum permitted gross floor area of accessory building(s) is 40.0 square metres. The applicant is requesting permission to allow for an increase in the gross floor area of accessory building(s) to be 160.2 square metres, a difference of + 120.2 square metres, to facilitate the proposal.

Variance 3 - Maximum Accessory Building Height

Section 4.1.1.1 Table 4A of the Town's Zoning By-law states that the maximum permitted accessory building height is measured from grade to roof midpoint is 3.7 metres. The applicant is requesting permission to allow the accessory building height to be 6.7 metres, a difference of +3.0 metres, to facilitate the proposal.

Variance 4 - Maximum Permitted Building Height

Section 7.2 Table 7D of the Town's Zoning By-law states the maximum permitted building height is measured from grade to roof midpoint is 11.0 metres. The applicant is requesting permission to allow the building height to be 12.0 metres, a difference of + 1.0 metres, to facilitate the proposal.

Variance 5 - Two (2) Temporary Residential Dwellings on a Lot

The Town's Zoning By-law states no more than one residential building is permitted on one lot. The applicant is requesting permission to allow two (2) residential dwellings, a difference of + 1 dwelling on the lot on a temporary basis.

## Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, October 12, 2023. As of the writing of this report on October 18, 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 facilitate the conversion of the existing heritage dwelling on the property into an accessory building and to allow for the construction of a new single detached dwelling. Further, a request has also been made to allow for two (2) residential dwellings to remain on the property on a temporary basis. The request is to allow for the family to reside on the property while the proposed single-detached dwelling is being constructed. Once construction is complete, the conversion of the heritage dwelling to an accessory building will begin.

### Variances 1, 2 & 3 - Minimum Front Yard Setback, Maximum Gross Floor Area & Maximum Building Height for an Accessory Building

The applicant is requesting permission to allow for the front yard setback to be 3.78 metres, a difference of - 2.22 metres. As well as, requesting permission to allow for an increase in the gross floor area to be 160.2 square metres, a difference of + 120.2 square metres. Further, the applicant is requesting permission to allow the accessory building height to be 6.7 metres, a difference of +3.0 metres. Each of these variances are to allow for the conversion of the existing heritage dwelling on the property to an accessory building for personal use by the homeowner.

Planning staff have no objection to the variances requested for the front yard setback and accessory building height as neither pose any concerns for the surrounding areas and have been existing on the lot in this placement for a number of years. The front yard setback has not posed any issues from a sightlines or traffic perspective. The building height will remain as is and Planning staff are of the opinion that this does not impact the surrounding properties or character.

Given the size of the lot, the relief being requested for gross floor area is minor in nature. The lot size provides adequate area to accommodate the gross floor area and will not impact adjacent land owners.

Planning staff do not have concerns with the existing heritage dwelling being utilized as an accessory building for the homeowners. The applicant has agreed to decommission the kitchen and bathroom facilities in the dwelling to ensure that once converted to an accessory building it will be non-habitable. A condition has been included for this requirement as part of the conversion from a dwelling to an accessory building.

### Variance 4 - Maximum Permitted Building Height

The applicant is requesting permission to allow the building height to be 12.0 metres, a difference of + 1.0 metres of the proposed residential dwelling. The increase in height is a result of the design of the proposed dwelling. The interior side yard setback of 3.0 metres on either side of the lot will be maintained and given the size of the subject property and the location of the proposed dwelling, Planning staff do not have concerns with the proposed minor variance.

#### Variance 5 - Two (2) Temporary Residential Dwellings on a Lot

As noted above, the applicants are requesting relief from the Town's Zoning By-law to allow two (2) residential dwellings on one lot on a temporary basis. The proposed minor variance is being requested to allow for the family to reside on the subject property while the proposed single-detached dwelling is being constructed.

Planning staff supports all of the conditions recommended by Building staff. In addition, the provision of a performance guarantees in the amount of \$10,00.00 (plus any administrative costs) will be required to ensure that only one residential dwelling remains on the lot once construction is complete and meets the intent of the Town's Official Plan and Zoning By-law.

Planning staff have reviewed the requested variances and offer no objection to the approval subject to the conditions listed below. 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 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 proposed development shall be located and constructed in accordance with the site plan and building elevations, prepared by Khalsa Design Inc. date stamped by Town Zoning on August 29, 2023.
2. That a Building Permit be applied for and received prior to construction of the new single detached dwelling and a permit be received for the existing detached dwelling prior to conversion.
3. That prior to Building Permit issuance, a demolition Permit be obtained prior to the removal of the existing 'Barn'.
4. That the heritage dwelling be used for personal use and living space and will not be used for human habitation.
5. That prior to Building Permit issuance, Town Staff confirm the appropriate private site servicing scheme for the proposed development and any services that will not be used or are connected to the existing detached dwelling will be decommissioned.
6. That prior to Building Permit issuance for the new single-detached dwelling, the applicant must provide a Letter of Undertaking to the Town of Milton agreeing to:



- a. Provide a performance guarantee in the amount of \$10,000.00 to ensure the conversion of the existing single detached dwelling upon completion of the new dwelling.
  - b. Discontinue the residential use of the existing single detached dwelling upon occupancy of the new dwelling.
  - c. Obtain a Building Permit for the demolition of the existing dwelling prior to occupancy being granted for the new single detached dwelling.
  - d. Complete all works associated with the demolition of the existing detached dwelling within 90 days of occupancy being granted for the new single detached dwelling.
7. 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP  
Planner, Development Review

October 18, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A-23/085/M 13311 Sixth Line Nassagaweya

#### 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 permit:

1. An accessory building with a maximum building height of 6.68 metres, whereas a maximum building height of 5.5 metres is permitted; and
2. An accessory structure with a maximum building gross floor area of 227.5 square metres, whereas a maximum building gross floor area of 93 square metres is permitted.

The subject property is known municipally as 13311 Sixth Line Nassagaweya and is legally described as Part of Lot 28, Concession 7, Reference Plan 20R-5258. The lot currently contains a 2 storey single detached dwelling, a pool with a pool cabana, and a detached garage with a 2<sup>nd</sup> storey addition. The applicant is in the process of obtaining a building permit for the second storey addition to the detached garage, and has requested the variances above to permit the structure to remain.

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

The subject property is designated Agricultural Area and Greenbelt Natural Heritage System overlay on Schedule A-Land Use Plan of the Town of Milton Official Plan. Residential uses such as single-detached dwellings and associated accessory structures are permitted. 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 Rural (A2) under Comprehensive Zoning By-law 144-2003, as amended. In this zone, single-detached dwellings and accessory structures are permitted.

#### Variance 1: Building Height

Section 4.1.2.2 ii) permits a maximum building height for an accessory building of 5.5 metres. In order to facilitate the addition to the detached garage, the applicant is requesting permission to increase the maximum building height to 6.68 metres (an increase of 1.18 metres).

#### Variance 2: Gross Floor Area

Section 4.1.2.2 ii) permits a maximum gross floor area of 93sq.m. for accessory structures within the A2 zone. In order to permit the addition to the detached garage, the applicant

is requesting permission to increase the maximum gross floor area to 227.5 square metres (an increase of 134.5 square metres).

Planning staff note that Section 4.1 of Zoning By-law 144-2003 states that accessory structures cannot be used for human habitation or an occupation for gain. The applicant has indicated that the detached garage will only be used to park vehicles and for personal storage.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, October 12, 2023. As of the writing of this report on, October 18, 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.

Grand River Conservation Authority staff noted that they had no objections to the approval of the minor variance application and clarified that a GRCA permit was not required for the proposed addition to the existing detached garage.

Halton Region staff noted the following comments:

It should be noted that a portion of the 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](mailto: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 owner of the lands wishes to retain an existing 2<sup>nd</sup> storey addition to a detached garage. The detached garage is intended for personal storage and to park personal vehicles.

To permit the issuance of a building permit for the structure, the applicant has requested an increase to the maximum permitted building height from 5.5 metres to 6.68 metres (an increase of 1.18 metres), and an increase to the maximum permitted gross floor area from 93 square metres to 227.5 square metres (an increase of 134.5 square metres). The intent of these Zoning By-law regulations is to ensure that accessory structures remain accessory to the primary permitted use and that they do not contribute to the overbuilding of the lot.

In consideration of the proposed increase in gross floor area, staff are of the opinion that although the maximum building height and area is exceeded, the accessory structure will still remain clearly accessory to the primary residential use. The lands subject to this application are approximately 23,270 square metres (5.7 acres) in size and contain a 439 square metre single detached dwelling with an attached garage. The proposed accessory structure will comprise of a small portion of the lot coverage and will continue to appear secondary to the primary residential use. The structure is setback 10 metres from the interior side lot line, and will not impact adjacent property owners.

Staff note that through the review of the minor variance application, building staff identified that the existing pool cabana will also require a building permit. Although no minor variances are required for the pool cabana, Planning staff request that a condition be added to require a building permit for this structure.

Planning staff have reviewed the requested variances and do not object to there approval as the proposal makes efficient use of land, will not result in the overbuilding or the property, will not alter the view, sightlines or personal enjoyment of the subject property or any neighbouring properties, and will not be of a detrimental impact to the subject lands.

**Recommendation:**

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

1. That a building permit be obtained for the existing cabana;
2. That a building permit application be obtained within two (2) years from the date of this decision for the addition to the detached garage; 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 and/or a building permit is not secured.

**Natalie Stopar**

Natalie Stopar, MCIP, RPP  
Planner, Development Review

October 18, 2023



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-23/087/M 1379 Marshall Crescent

#### 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 gross floor area of all accessory structures on a lot to be 45 square metres, whereas a maximum gross floor area of 10 square metres is permitted; and
2. A maximum building height of 3.1 metres, whereas a maximum building height of 3.0 metres is permitted.

The subject property is known municipally as 1379 Marshall Crescent and is legally described as Lot 118 on Registered Plan 20M-926. The lot currently contains a single detached dwelling with a two car garage. The applicant is proposing to retain the existing accessory structure (referred to as a pergola) in the rear yard and has requested a minor variance application to permit the increased building size and height.

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

The subject property is designated “Residential Area” on Scheduled B - Urban Land Use Plan. A range of residential uses, including single detached dwellings and associated residential accessory structures, are permitted within the Residential Area designation

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 Residential Medium Density 1 (RMD1) under Comprehensive Zoning By-law 016-2014, as amended. In this zone, single-detached dwellings and accessory structures are permitted.

#### Variance One: Increase Gross Floor Area

Section 4.2.1 Table 4A permits a maximum accessory structure gross floor area of 10 square metres. The applicant is requesting an increase in the maximum gross floor area of the accessory structures to 45 square metres (an increase of 35 square metres).

#### Variance Two: Increase to Building Height

Section 4.2.1 Table 4A permits a maximum building height of 3.0 metres for accessory structures. The applicant is requesting an increase to the maximum building height to 3.1 metres (an increase of 0.1 metres).

## Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, October 12, 2023. As of the writing of this report on, October 28, 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.

### **Development Review Comments:**

The applicant has requested a minor variance to permit the existing large accessory structure (referenced as a pergola) in the rear yard to remain. Variances are required to permit the increased gross floor area and building height of the structure. Staff note that there is also an existing small shed on the property, which is included in the total building floor area calculation.

The intent of the maximum gross floor area and building height provisions is to ensure that the accessory structure remains secondary to the primary use and does not adversely impact adjacent lands. Despite the increased size of the accessory structure, the structure is located within a very large rear yard and will continue to be clearly secondary to the primary single detached dwelling. The proposed increase to the maximum building height by 10 centimeters is also minor and it will not significantly change the appearance of the structure. Lastly, staff note that the structure is setback 2.2 metres from the rear property line and 1.2 metres from the side property line, which greatly exceeds the minimum 0.6 metres required in the Zoning By-law. This further reduces the visual impact from the proposed structure on adjacent properties.

Based on the foregoing, staff is 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 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

October 18, 2023



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-23/051/M 1339 Chretien 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 landing accessing a principle building to encroach into the interior side yard by 0.80 metres, whereas a setback of 1.2 metres is required.

The subject property is known municipally as 1339 Chretien Street and is legally described as Lot 85 on Registered Plan 20M-1180. The property is located on the north side of Chretien Street in a low density residential neighbourhood, and backs onto St. Scholastica Elementary School.

The applicant is proposing to construct a basement apartment and has requested the minor variance to permit an above grade side door with 2 risers in the interior side yard. The minor variance is required to allow the landing to encroach into the minimum required 1.2 metre interior side yard setback, by 0.80metres.

#### 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. Second Residential Units are permitted. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

#### Zoning:

The subject lands are zoned as Residential Medium Density 1 with site specific provisions (RMD1\*207) in the Town of Milton Urban Zoning By-law 016-2014, as amended. In this zone, single detached dwellings including accessory apartments are permitted.

The RMD1 zone requires a minimum interior side yard setback of 1.2 metres in the subject side yard. Section 4.19.5 i) Table 5 permits stairs and landings above grade provided that they don't encroach into an interior side yard.

As the stairs and landing are proposed to encroach 0.80 metres into the interior side yard, a minor variance is required.

The proposed accessory apartment meets all other Zoning By-law provisions

#### Consultation

*Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, October 12, 2023. As of the writing of this report on, October 18, 2023, staff have not received any comments from members of the public.

Planning staff note that the notice sent on October 12, 2023 stated that a minor variance was requested to permit the above grade stairs and landing to encroach 0.85 metres into the interior side yard of 1.2 metres. Planning staff have clarified with Zoning and Building staff however, that a minor variance is only required to allow the stairs and landing to encroach 0.80 metres into the interior side yard. As the public notice identified a greater variance, the public notice has met the requirements of the *Planning Act* and a revised notice is not required.

#### *Agency Consultation*

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

#### Milton Fire

Milton Fire noted that they have no objections provided that there are no protrusions into the 1.2 metres required set back such as basement windows when constructing the basement unit.

Planning staff note that the proposed stairs are located in front of the proposed window wells, and the remaining 1.2 metre side yard between the accessory apartment access and the street is clear.

#### **Development Review Comments:**

Planning Staff are of the opinion that the encroachment of the stairs into the required side yard is minor and will not impact adjacent properties or the functionality of the single detached dwelling and accessory apartment. The subject side yard is 1.26 metres wide, which is slightly larger than the minimum required 1.2 metre side yard. A minimum setback of approximately 0.39 metres will remain between the stairs and the subject interior side lot line, and a 0.65 metre side yard will remain in the opposite side yard. Access to the rear yard will continue to be available.

Based on the foregoing, staff is 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 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

October 18, 2023



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A23-076 406 Nakerville Crescent

#### 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 secondary dwelling unit:

- To allow the minimum exterior side yard setback to be 1.9 metres, a difference of - 0.5 metres

The subject property is known municipally as 406 Nakerville Crescent and located on the corner of Nakerville Crescent and Urell Way. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings.

The applicant is proposing to construct a basement apartment, where the entrance to the accessory apartment is located in the exterior side yard. The minor variance is required to permit the below grade stairs in the exterior side yard.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan. This designation permits single detached dwellings and associated accessory structures. Secondary Residential Units are also permitted. 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 Residential Medium Density 1 (RMD1\*104) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*104 zone permits a variety of residential uses, including detached and townhouse dwellings as well as accessory dwelling unit in single detached dwellings.

Section 6.2 Table 6C of the Zoning By-law states that the minimum required exterior side yard is 2.4 metres if the yard abuts a public right-of-way of less than 18.0 metres wide. The applicant is requesting permission to allow the exterior side yard to be 1.9 metres, a difference of - 0.5 metres, to facilitate the proposal.

#### Consultation

##### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on October 12, 2023. As of the writing of this report on October 18, 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 facilitate the construction of an accessory apartment in the basement of an existing single detached dwelling, at the above-noted address. The applicant is requesting permission to allow the exterior side yard to be 1.9 metres, a difference of - 0.5 metres, to permit an entrance and below-grade stairs to access an accessory apartment in the exterior side yard.

To improve the design of the stairs in the exterior side yard, the applicant has extended the existing wood fence to screen the entrance from the view of the street.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding of the property, will not impact the personal enjoyment of the lands or any neighboring property and will not be of detrimental impact to the lands, the street or surrounding area.

Based on the foregoing, staff is 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 land.

**Recommendation:**

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

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Imran Khan, date stamped by Town Zoning on September 15, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP  
Planner, Development Review

October 18, 2023



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A23-078 588 Boyd Lane

#### 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 secondary dwelling unit:

- To allow the width of the residential driveway to be 2.52 metres, a difference of - 0.23 metres per parking space.

The subject property is known municipally as 588 Boyd Lane and is located west of Watercress Way. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings.

The applicant is proposing to construct a basement accessory apartment. In order to permit the basement apartment, the Zoning By-law requires a minimum of three parking spaces. The applicant is proposing to provide one parking space in the garage and two parking spaces on the driveway.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan. This designation permits single detached dwellings and associated accessory structures. Secondary Residential Units are also permitted. 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 Residential Medium Density 1 (RMD1\*269) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*269 zone permits a variety of residential uses, including detached and townhouse dwellings. The by-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria:

- i) Only 1 accessory dwelling unit shall be permitted per lot and shall be located within the main dwelling unit;
- ii) A minimum of 1 parking space per accessory dwelling unit is provided in addition to the required parking for the main dwelling unit;
- iii) The dwelling must be on full municipal water and wastewater services; and,
- iv) The accessory dwelling unit shall not exceed a maximum size of 85 m<sup>2</sup>.

Zoning staff have confirmed that, with the exception of provision ii), the above noted criteria has been satisfied.

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting permission to allow a minimum size of a parking space on a residential driveway to be a width of 2.52 metres, a difference of -0.23 metres per parking space, to facilitate the proposal.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on October 12, 2023. As of the writing of this report on October 18, 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 facilitate the construction of an accessory apartment in the basement of an existing single detached dwelling, at the above-noted address. In order for a permit to be issued to construct an accessory apartment, all relevant zoning by-law provisions must be met, including the provision of one parking space, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by -0.23 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles.

It should also be noted that the accessory apartment will be accessed through an entrance in the side yard and the external character of the single-detached dwelling will not be negatively impacted. Further, Planning Staff note that a minor variance was not required for the proposed entrance in the side yard.

Planning Staff have reviewed the request to reduce the size of the parking space and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, the owner has provided photographs that demonstrate the vehicles can adequately park wholly on the existing driveway and access to the interior of the vehicles can be achieved.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding of the property, will not impact the personal enjoyment of the lands or any neighboring property and will not be of detrimental impact to the lands, the street or surrounding area

**Recommendation:**

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

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Sherif Mikhail, date stamped by Town Zoning on September 11, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP  
Planner, Development Review

October 18, 2023



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A23-079 750 Fourth 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 a secondary dwelling unit:

- To allow the width of the residential driveway to be 2.68 metres, a difference of - 0.07 metres per parking space.

The subject property is known municipally as 750 Fourth Line and is located west of Watercress Way. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings.

The applicant is proposing to construct a basement accessory apartment. In order to permit the basement apartment, the Zoning By-law requires a minimum of three parking spaces. The applicant is proposing to provide one parking space in the garage and two parking spaces on the driveway.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan. This designation permits single detached dwellings and associated accessory structures. Secondary Residential Units are also permitted. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

#### Zoning:

The subject lands are zoned Residential Medium Density 1 (RMD1) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1 zone permits a variety of residential uses, including detached and townhouse dwellings. The by-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria:

- i) Only 1 accessory dwelling unit shall be permitted per lot and shall be located within the main dwelling unit;
- ii) A minimum of 1 parking space per accessory dwelling unit is provided in addition to the required parking for the main dwelling unit;
- iii) The dwelling must be on full municipal water and wastewater services; and,
- iv) The accessory dwelling unit shall not exceed a maximum size of 85 m<sup>2</sup>.

Zoning staff have confirmed that, with the exception of provision ii), the above noted criteria has been satisfied.

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting permission to allow a minimum size of a parking space on a residential driveway to be a width of 2.68 metres, a difference of -0.07 metres per parking space, to facilitate the proposal.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on October 12, 2023. As of the writing of this report on October 18, 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 facilitate the construction of an accessory apartment in the basement of an existing single detached dwelling, at the above-noted address. In order for a permit to be issued to construct an accessory apartment, all relevant zoning by-law provisions must be met, including the provision of one parking space, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by -0.07 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles.

It should also be noted that the accessory apartment will be accessed through an entrance in the side yard and the external character of the single-detached dwelling will not be negatively impacted. Further, Planning Staff note that a minor variance was not required for the proposed entrance in the side yard.

Planning Staff have reviewed the request to reduce the size of the parking space and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, the owner has provided photographs that demonstrate the vehicles can adequately park wholly on the existing driveway and access to the interior of the vehicles can be achieved.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding of the property, will not impact the personal enjoyment of the lands or any neighboring property and will not be of detrimental impact to the lands, the street or surrounding area.



**Recommendation:**

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

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Urban Building Designs, date stamped by Town Zoning on September 13, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP  
Planner, Development Review

October 18, 2023



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A23-080 1231 McPherdan Point

#### 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. To allow the width of the residential driveway to be 2.54 metres, a difference of - 0.21 metres per parking space; and
2. To allow the minimum interior yard setback to be 0.31 metres set back to the side-door landing, a difference of - 0.29 metres.

The subject property is known municipally as 1231 McPherdan Point and located near McPherdan Point and Izumi Gate. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings.

The applicant is proposing to construct a basement accessory apartment. In order to permit the basement apartment, the Zoning By-law requires a minimum of three parking spaces. The applicant is proposing to provide one parking space in the garage and two parking spaces on the driveway.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan. This designation permits single detached dwellings and associated accessory structures. Secondary Residential Units are also permitted. 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 Residential Medium Density 1 (RMD1\*220) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*220 zone permits a variety of residential uses, including detached and townhouse dwellings. The by-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria:

- i) Only 1 accessory dwelling unit shall be permitted per lot and shall be located within the main dwelling unit;
- ii) A minimum of 1 parking space per accessory dwelling unit is provided in addition to the required parking for the main dwelling unit;
- iii) The dwelling must be on full municipal water and wastewater services; and,
- iv) The accessory dwelling unit shall not exceed a maximum size of 85 m<sup>2</sup>.

Zoning staff have confirmed that, with the exception of provision ii), the above noted criteria has been satisfied.

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting permission to allow a minimum size of a parking space on a residential driveway to be a width of 2.54 metres, a difference of -0.21 metres per parking space, to facilitate the proposal.

Section 6.2 Table 6C of the Zoning By-law states that the minimum required interior yard setback is 1.2 metres on one side and 0.60 metres on the other side. The applicant is requesting permission to allow the minimum interior yard setback to be 0.31 metres set back to the side door landing, a difference of - 0.29 metres, to facilitate the proposal.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on October 12, 2023. As of the writing of this report on October 18, 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 facilitate the construction of an accessory apartment in the basement of an existing single detached dwelling, at the above-noted address. In order for a permit to be issued to construct an accessory apartment, all relevant zoning by-law provisions must be met, including the provision of one parking space, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by - 0.21 for both of the parking spaces in the driveway, in order to accommodate three required parking spaces. The applicant is also requesting permission to allow the minimum interior yard setback to be 0.31 metres set back to the side door landing, a difference of - 0.29 metres, to facilitate the proposal.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles.

The accessory apartment will be accessed through an existing entrance in the side yard and the external character of the single-detached dwelling will not be negatively impacted. The side yard setback from the landing will still provide 0.31 metres from the property line (fence) and Development Engineering staff have confirmed there are no concerns from a drainage perspective.

Planning Staff have reviewed the request to reduce the size of the parking space as well as recognizing the interior side yard setback to the landing and offer no objection to the proposed variance approval. The owner has provided photographs that demonstrate the vehicles can adequately park wholly on the existing driveway and access to the interior of the vehicles can be achieved. Planning staff do not have concerns with the interior side yard landing as it will have no adverse impacts on the surrounding properties.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding of the property, will not impact the personal enjoyment of the lands or any neighboring property and will not be of detrimental impact to the lands, the street or surrounding area.

**Recommendation:**

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

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Noble Prime Solutions Ltd., date stamped by Town Zoning on September 18, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP  
Planner, Development Review

October 18th, 2023



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A23-081 1412 Rose Way

#### 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 secondary dwelling unit:

- To allow the width of the residential driveway to be 2.64 metres, a difference of - 0.11 metres per parking space.

The subject property is known municipally as 1412 Rose Way and is located on the corner of Roseway and Juneberry Court. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings.

The applicant is proposing to construct a basement accessory apartment. In order to permit the basement apartment, the Zoning By-law requires a minimum of three parking spaces. The applicant is proposing to provide one parking space in the garage and two parking spaces on the driveway.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan. This designation permits single detached dwellings and associated accessory structures. Secondary Residential Units are also permitted. 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 Residential Medium Density 1 (RMD1\*252) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*252 zone permits a variety of residential uses, including detached and townhouse dwellings. The by-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria:

- i) Only 1 accessory dwelling unit shall be permitted per lot and shall be located within the main dwelling unit;
- ii) A minimum of 1 parking space per accessory dwelling unit is provided in addition to the required parking for the main dwelling unit;
- iii) The dwelling must be on full municipal water and wastewater services; and,
- iv) The accessory dwelling unit shall not exceed a maximum size of 85 m<sup>2</sup>.

Zoning staff have confirmed that, with the exception of provision ii), the above noted criteria has been satisfied.

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting permission to allow a minimum size of a parking space on a residential driveway to be a width of 2.64 metres, a difference of -0.11 metres per parking space, to facilitate the proposal.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on October 12, 2023. As of the writing of this report on October 18, 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 facilitate the construction of an accessory apartment in the basement of an existing single detached dwelling, at the above-noted address. In order for a permit to be issued to construct an accessory apartment, all relevant zoning by-law provisions must be met, including the provision of one parking space, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by -0.11 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles.

It should also be noted that the accessory apartment will be accessed through an entrance in the rear yard and the external character of the single-detached dwelling will not be negatively impacted. Further, Planning Staff note that a minor variance was not required for the proposed entrance in the side yard.

Planning Staff have reviewed the request to reduce the size of the parking space and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, the owner has provided photographs that demonstrate the vehicles can adequately park wholly on the existing driveway and access to the interior of the vehicles can be achieved.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding of the property, will not impact the personal enjoyment of the lands or any neighboring property and will not be of detrimental impact to the lands, the street or surrounding area

**Recommendation:**

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

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Ahmad Elkaranshawy date stamped by Town Zoning on September 15, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP  
Planner, Development Review

October 18, 2023



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A23-083 1115 Rutledge Way

#### 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:

- To allow the maximum gross floor area to be 63.8 square metres, a difference of + 23.8 metres

The subject property is known municipally as 1115 Rutledge Way and located on the east side of Rutledge Way towards the corner of Purdy Drive. The subject property contains a single-detached dwelling with an attached garage and in-ground swimming pool. Surrounding uses are rural residential uses. The applicant is proposing to construct an open-air accessory structure in the rear yard.

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

The subject property is designated Hamlet on Schedule A-Land Use Plan of the Town of Milton Official Plan and the Hamlet of Moffat Secondary Plan (C.5). Uses such as single detached dwellings on existing lots, accessory structures, cottage industries and home occupations are permitted within the Hamlet designation.

#### Zoning:

The subject lands are zoned Residential Village (RV) under Section 10 of the Comprehensive Zoning By-law 144-2003 as amended. In this zone, residential uses are permitted in the form of a single detached dwelling as well as accessory structures.

Section 4.1.1.1.1 Table 4A of the Zoning By-law states that the maximum permitted aggregated gross floor area for accessory buildings and structures is 40 square metres. The applicant is requesting permission to allow the maximum permitted aggregated gross floor area to be 63.8 square metres, a difference of +23.8 square metres, to facilitate the proposal.

#### Consultation

##### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on October 12, 2023. As of the writing of this report on October 18, 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 facilitate the construction of an accessory structure (cabana) in the rear yard of the subject lands. The accessory structure is intended to provide private covered outdoor space for the homeowner.

The applicant is requesting permission to allow the maximum permitted aggregated gross floor area to be 63.8 square metres, a difference of +23.8 square metres, to facilitate the proposal.

In consideration of the proposed increase in gross floor area, Planning staff do not anticipate that the increase in size will cause a negative impact on surrounding property owners. The proposed structure, although in excess of their maximum gross floor area, meets all remaining zoning provisions including height and setbacks. In addition, Development Engineering Staff have reviewed the proposal and have no concerns.

Planning staff have reviewed the requested variance and offer no objection to its approval. Planning staff are of the opinion that the requested variances are 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 secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Waddell Engineering Ltd. date stamped by Town Zoning on September 15, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP  
Planner, Development Review

October 18, 2023



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A23-086M - 54 Steeles Avenue

#### 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:

- Allow 197 parking spaces, whereas the total number of spaces required is 255 (a total reduction of 58 spaces).

NOTE: Only 4 additional spaces are required as a result of this application - previous variances already reduced the site's parking requirements to 197. The requirement of 255 spaces includes previous variances (A18-045M and A23-018M) to review the cumulative impact of all parking reductions on the site.

The subject property is known municipally as 54 Steeles Avenue and is legally described as HSCP 740. The lands currently contain four one-storey industrial condominium buildings.

Through this application, the owner of units 24 and 25 is proposing to construct a mezzanine for additional storage area. As a result of the added gross floor area being proposed, the required parking for the site increases. Given that the lands are condominiumized and parking is a common element, the Zoning By-law evaluates parking needs based on the entire site - including all gross floor area. Therefore, while the added gross floor area is only being proposed within two units, the parking is calculated for the entire site.

Through Minor Variance A18-045M, gross floor area was added (to construct buildings three and four) to the lands and therefore, triggered a re-evaluation the site's parking demand. Based on the parking rate within the Zoning By-law, the entire site required 239 spaces. Given the site could only physically accommodate 197 spaces, the applicant requested a technical reduction of 42 spaces to accommodate the proposed 197 spaces on site. The reduction in parking spaces was approved, but did not result in an updated parking rate; therefore, any time when gross floor area is proposed to be added, the demand is based on the rate within the Zoning By-law and the total gross floor area of the site.

Subsequently, an individual unit owner sought a Minor Variance (A23-018M) to add a mezzanine within their unit; this added gross floor area resulted in an additional 12 spaces being required for the site from a Zoning By-law perspective. As such, the applicant

sought a further parking reduction from the technical calculation of 251 spaces to accommodate the 197 spaces physically existing on site.

Through this application, the added gross floor area results in 4 additional spaces being required from a parking rate perspective. Therefore, the total parking demand for the site - as calculated by the Zoning By-law - is 255 spaces, whereas the site only physically has 197 spaces. The reduction of 58 spaces is a result of three variances; therefore, only 4 spaces are being 'added' to the overall parking calculation based on the proposed gross floor area associated with this application.

The figure below shows how the parking demand for the site is calculated and the impact of each variance on the calculation:

Minor Variance Application	# of Spaces Required by Proposed Added GFA	# of Spaces Required based on Total GFA of Site	Reduction Request
A18-045/M	42	239 $197 + 42 = 239$	197 Spaces (Reduction of 42)
A23-010/M	12	251 $197 + 42 + 12 = 251$	197 Spaces (Reduction of 54)
A23-086/M	4	255 $197 + 42 + 12 + 4 = 255$	197 Spaces (Reduction of 58)

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

The subject property is designated as Business Park Area on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan.

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 Business Park (M1) within the Town of Milton's Urban Zoning By-law 016-2014, as amended. The M1 Zone permits uses such as wholesale and light industrial.

Section 5.8.2 (ii) Table 5G establishes parking rates for various uses; a rate of '1 space per 30 square meters of gross floor area' is applied to this site. By virtue of adding gross floor area to construct a mezzanine within units 24 and 25, the site is deficient in respect to the required parking.

Foregoing the deficiency noted above, the proposal maintains all other provisions of the Zoning By-law.

#### Consultation

##### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, October 12, 2023. As of the writing of this report on, October 18, 2023, staff have not received any comments from members of the public.

It is noted that the units contained in this development form part of an industrial condominium. As part of the application, the applicant has provided letters of support from Board Members from the condominium corporation.

#### *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 facilitate the construction of a mezzanine within units 24 and 25 located at 54 Steeles Avenue. The intended use of the mezzanine is for office and storage space.

The subject lands currently contain 197 parking spaces. The proposed mezzanine results in an increase in gross floor area and therefore results in an increase to the number of parking spaces required in accordance with the Zoning By-law. The proposed gross floor area requires 4 parking spaces. There are no proposed changes to the site itself, only internal alterations to two units. As a result, the applicant seeks to provide the number of parking spaces as it exists today on site.

Town Transportation Staff have reviewed the Parking Justification Report (PJR) that was submitted and is satisfied with its findings. Based on the aggregate gross floor area of the site (including the area proposed through this application), the PJR demonstrated that the site can meet the parking demand with the existing parking inventory of 197 spaces. Traffic Demand Management (TDM) measures were identified, and if approved, will be included as a condition of this minor variance. Based on this, Planning Staff are satisfied with the conclusions set forward by the Town's Transportation Staff and offer no objections to the approval of this application.

The applicant is advised that any future proposed gross floor area will require a Minor Variance application for parking relief. The site will eventually reach a point, from a parking perspective, for which no further gross floor area will be supported based on the actual parking provided.

Based on the aforementioned, Planning Staff offer not objections to the approval of this application as its 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 gross floor area of the proposed mezzanine shall be a maximum of 146 square metres, in accordance with the site plan and floor plans, prepared by Green Propeller Design Architecture & Building Services, date stamped by Town Zoning on May 17, 2023.

2. That the Owner demonstrate to the satisfaction of the Town of Milton that they will be able to achieve all proposed TDM measures outlined in the Parking Justification Study dated August 2023 by LEA Consulting Ltd. including any ongoing programming or management that may be required for program success. All costs associated with the implementation of the TDM measures are the responsibility of the Owner.
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.

Rachel Suffern

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

October 18, 2023