



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

Thursday, December 14, 2023, 6:00 p.m.
Council Chambers - In Person

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

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The Owner is in the process of constructing a business park consisting of 11 development blocks. The subject variance has been requested for Block 5 which consists of two buildings identified as buildings E1 and E2. Each building is 7,022.2 square metres in size with frontage on James Snow Parkway. The majority of the building construction and site works have been completed and the applicant is not in the process of finding tenants for each of the buildings.	
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- 5.4 A23-101/M - 127 Yates Drive 24
 Minor variances are being requested 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. Further, the applicant is also proposing an entrance for the secondary dwelling unit in the interior side yard which requires a landing.
- 5.5 A23-102/M - 13344 Nassagaweya Esquering Line 28
 A minor variance is being requested to facilitate the construction of an accessory structure. The proposed accessory structure will replace a previous structure (shed) that was similar in size (gross floor area) and in the same location. The applicant has confirmed that the proposed accessory structure will be used for agricultural purposes and will store agricultural equipment which is used to maintain the property.
- 5.6 A23-103/M - 250 Heslop Road 31
 Minor variances are being requested 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 the three parking spaces on the driveway and the single-car garage will be converted into additional living space for the proposed secondary dwelling unit.
- 5.7 A23-104/M - 386 Blinco Terrace 35
 A minor variance is being requested 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.
- 5.8 A23-105/M - 752 Robertson Crescent 38
 A minor variance is being requested to recognize the construction of a covered deck in the rear yard of the subject property. The covered deck is intended to provide private outdoor space as well as shelter from the sun during the summer months. Uncovered decks do not contribute to overall lot coverage, however the installation of a roof does.
- 5.9 A23-107/M - 995 Dice Way 40
 A minor variance is being requested 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.

- 5.10 A23-109/M - 1599 Severn Drive 43
A minor variance is being requested 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.
- 5.11 A23-110/M - 324 Kingsleigh Court 46
Minor variances are being requested to construct a basement apartment, where the entrance to the accessory apartment is located in the exterior side yard. The proposed variances are related to extending the existing driveway to allow for parking for three (3) vehicles as well as recognizing the existing gross floor area of accessory buildings in the rear yard.
- 5.12 A23-111/M - 813 Aspen Terrace 49
A minor variance is being requested 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.
- 5.13 A23-114/M - 271 Sydney Street 52
Minor variances are being requested to construct a detached garage with an additional residential unit located on the second floor. The existing dwelling and driveway are to be retained.

6. NEXT MEETING

7. ADJOURNMENT



The Corporation of the
Town of Milton
Committee of Adjustment Minutes

November 30, 2023, 6:00 p.m.

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

Staff Present: Serena Graci, Greta Susa, Natalie Stopar, Taylor Wellings

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

1. **AGENDA ANNOUNCEMENTS / AMENDMENTS**

2. **DISCLOSURE OF PECUNIARY INTEREST**

3. **MINUTES**

4. **ITEMS FOR CONSIDERATION**

4.1 **A23-075M 311 Cedar Hedge Road**

Owner Ravinder Bhatia, address: 311 Cedar Hedge provided an overview of the application.

Questions to Planner Taylor Wellings

Member Trombino noted in review of the property in question that there are utility boxes in close vicinity to where the proposed parking space would be located. He asked if these utility boxes are within the direct vehicle line that would be entering and exiting the driveway. Planner Taylor Wellings stated they would be in direct line of the utility boxes as the town wouldn't allow the curb to be cut any further, so the vehicle would have to maneuver to the front of the driveway.

Chair Kluge noted the owners made a point that the committee did approve a minor variance application requesting a third parking space with a single car garage and single driveway. Historically, planning staff have always refused these types of applications. Taylor Wellings stated she believes what the owners were referring to is Bill-23 in place last year that did allow for the two parking spaces, but unfortunately the rules have changed and the Town has to use their zoning By-law provisions.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-075/M) for 311 Cedar Hedge in the Town of Milton **BE DENIED.**

Carried

4.2 A23-082M 4250 Donaldson Lane

Jennifer Lawrence, the agent for applicant, address: 8 Fieldgate Street, Dundas provided an overview of the application.

Questions to the Agent

Member Ellahi asked the agent to confirm if there any boards on the minor variances on site. Agent Lawrence stated she doesn't believe they have laid out the outline of the property. The wetlands and woodlands have been staked by the Conservation authorities and the region, but the house outline hasn't been staked yet. Member Ellahi also asked what the correct address of the property in questions is, as the commissioned application states it is 4520, but the drawings state is 4249. Agent Lawrence claimed 4250 is correct. Member Ellahi also asked the agent to confirm what is meant by deck that is partially covered as identified in the drawings. Agent Lawrence claimed she did not have an answer to that question. Chair Kluge intervened stating once it's time to ask the planner on file any questions member Ellahi can then ask his question.

Questions to Planner Natalie Stopar

Member Ellahi asked Planner Stopar to confirm what is meant by partially covered porch in the drawings. Planner Stopar the variances are required for the interior side yard setback of the covered porch, described as a large rear terrace within the floor plans.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23- 082/M) for 4250 Donaldson Lane in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That prior to the initiation of works, a CH permit be obtained from Conservation Halton for the proposed development.
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

4.3 A23-088M 910 Magnolia Terrace

Agent of the Applicant, Kruti Shah, 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- 088/M) for 910 Magnolia Terrace 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 Cads Solutions, date stamped by Town Zoning on October 6, 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

4.4 A23-089M 393 Nakerville Crescent

Mati Zaman, agent for the applicant, address: unit 15-80 Clementine Drive provided an overview of the application.

Questions to Planner Taylor Wellings

Member Jayaveer if the variance is for the interior or exterior side yard, as there is a note about there being below grade stairs. Planner Wellings claimed the interior side yard written within the report is a typographical error, and the below grade stairs mentioned is a copy paste error.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23- 089/M) for 393 Nakerville 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 Permit Guys Inc. date stamped by Town Zoning on October 17, 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

4.5 A23-090M 442 Thornborrow Court

Agent of the applicant, Kruti Shah, 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 (A23-090/M) for 442 Thornborrow 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 RJ CAD Solutions, date stamped by Town Zoning on October 17, 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

4.6 A23-091/M 455 Cedric Terrace

Agent for the applicant, Shivang Tarika, address: 106 Morningside Drive Georgetown 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 (A23-091/M) for 455 Cedric Terrace 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 Shivang Tarika, date stamped by Town Zoning on October 19, 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

4.7 A23-092M 566 Kennedy Circle West

Agent for the applicant, Shivang Tarika, address: 106 Morningside Drive Georgetown, 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 (A23-092/M) for 566 Kennedy Circle West 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 Shivang Tarika, date stamped by Town Zoning on October 19, 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

4.8 A23-093M 1067 Easterbrook Crescent

Owner, Abdul Mateen Quadri, address: 1067 Easterbrook 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 (A23-093/M) for 1067 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 Heritage Solutions, date stamped by Town Zoning on October 19 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

4.9 A23-094M 1167 Leger Way

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-094/M) for 1167 Leger Way 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 Shafe Consultants, date stamped by Town Zoning on October 20, 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

4.10 A23-095M 1290 Raspberry Terrace

Planner Taylor Wellings provided an overview of the application, as the owner could not be in attendance.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-095/M) for 1290 Raspberry Terrace in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the rear yard deck shall be located and constructed in accordance with the site plan and building elevations, prepared by the Owner, date stamped by Town Zoning on October 17, 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

4.11 A23-096M 1611 Whitlock Avenue

Agent for the applicant, Constance Ratelle, address: 277 Lakeshore Road East, provided an overview of the application.

Questions to Planner Wellings

Member Ellahi asked for confirmation that the minor variance is only for the stairs and not for the fireplace which is coming into the side yard. Planner Wellings, stated the setback would be from the dwelling, the town permits the two steps down so there is no concerns.

Agent Ratelle clarified at the time of the initial application they included bump out, however it turns out it was a chimney which is a permitted projection already in the yard, which is on the drawings and in the report notes. In regard to the setback, staff angle was rather than permitting the stairs, was to take them out of the side yard.

Member Ellahi asked if the original application is approved as a setback for the fireplace. Agent Ratelle claimed, from her understanding no variance was needed for the fireplace.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-096/M) for 1611 Whitlock Avenue in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development shall be located and constructed generally in accordance with the site plan, prepared by Korsiak Urban Planning and date stamped by the Zoning Department on October 19, 2023, to the satisfaction of the Town of Milton Building Department.

2. That the approval be subject of an expiry of two 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

4.12 A23-097M 1680 Sauble Court

The agent for the applicant, Rafael Martins, address: 12 Rae Avenue 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 (A23-097/M) for 1680 Sauble 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 RDA Designs, date stamped by Town Zoning on October 19, 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

4.13 A23-098M 1399 Buckthorn Garden

Agent for the applicant, Shivang Tarika, address: 106 Morningside Drive Georgetown, 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 (A23-098/M) for 1399 Buckthorn Garden 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 Shivang Tarika, date stamped by Town Zoning on October 23, 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

4.14 A23-099M - 1316 Hamman Way

Agent for the applicant, Haroon Malik, address: 205 Advance Boulevard, 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 (A23-099/M) for 1316 Hamman Way in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That a Building Permit 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. NEXT MEETING

Thursday, December 14, 2023, commencing at 6:00 p.m

6. ADJOURNMENT

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

Serena Graci, Secretary Treasurer



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-113M 6670-6790 Fifth Line

General Description of Application:

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

- A minimum of 1 parking space per 100 square metres of gross floor area for the first 5000 square metres of each individual industrial and warehouse/distribution premises including an accessory office, whereas the Zoning By-law currently requires that 1 parking space per 30 square metres for the first 1000 square metres and 1 parking space per 100 square metres for to 5000 square metres be provided.

The subject property is known municipally as 6670-6790 Fifth Line and is legally described as Concession 5, Part Lot 10, Trafalgar Survey. The property is located at the southwest corner of Derry Road and Fifth Line in the Derry Green Business Park Area.

The applicant is in the process of constructing an employment subdivision on the lands consisting of 4 light industrial/warehouse buildings and a stormwater management pond. The variance is proposed to provide the applicant with additional flexibility in the number of tenants that can occupy each building.

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

The subject property is designated Business Park Area in the Town of Milton Official Plan. The lands are also located within the Derry Green Corporate Business Park Secondary Plan. The Business Park designation permits a range of employment uses including offices and light industrial uses.

It is Staff's opinion that the proposal meets the intent of the Town of Milton Official Plan, as amended.

Zoning:

The subject lands are zoned Business Park with site specific provisions (M1*306) in Zoning By-law 016-2014 as amended. This zone permits a variety of office and light industrial uses on the lands.

Section 5.8.2 ii) Table 5G states that Parking is calculated for each individual industrial and warehouse/distribution premises, including accessory office space, as follows:

- For the first 1000 square metres of gross floor area, 1 parking space per 30 square metres of gross floor area shall be provided.
- For gross floor areas between 1001 to 5000 square metres, 1 parking space per 100 square metres of gross floor area shall be provided.

- For gross floor areas greater than 5000 square metres, 1 parking space per 200 square metres of gross floor area shall be provided.

The applicant has applied for a minor variance to reduce the minimum required parking spaces for each individual industrial and warehouse/distribution premises, including accessory office space, as follows:

- For the first 5000 square metres of gross floor area, 1 parking space per 100 square metres of gross floor area shall be provided.
- For gross floor areas greater than 5000 square metres, 1 parking space per 200 square metres of gross floor area shall be provided.

Staff note that the minimum required parking spaces are calculated on a per unit basis. Therefore, a greater number of individual tenants would require a greater number of parking spaces.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, December 6, 2023. As of the writing of this report on, December 29, 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. Transportation Planning staff have confirmed that they have no concerns with the proposed parking reduction.

Milton Fire noted that they have no objections provided that there are no parking spaces blocking the Fire Department Connections or Siamese Connections. Planning staff note that the reconfiguration of any proposed parking spaces would require site plan approval. Milton Fire would be consulted on the location of the parking spaces through the site plan review.

Development Review Comments:

The requested variance is seeking relief to the parking requirements for the first 5,000 square metres of gross floor area of an industrial premise/unit by permitting an alternate rate of 1 parking space per 100 square metres for the first 5,000 square metres of GFA. For any gross floor area greater than 5,000 square metre per premise/unit, the proposed development will comply with the Town's By-law.

The applicant has provided planning and zoning staff with an approximate interior layout for each building, which identifies the size of each individual unit proposed. Based on the existing Town's Zoning By-law requirements, 847 parking spaces would be required, whereas 690 parking spaces are provided on the site to serve all four industrial buildings. Should the proposed alternate parking rate be approved, the proposed development would result in a surplus of approximately 20 parking spaces. The variance would result in a total parking reduction of 211 parking spaces for the site.

A parking study was undertaken as part of the application to reduce the number of parking spaces. The parking study concluded that the proposed parking rate is sufficient to

accommodate the future parking demands for the proposed multi-tenant buildings. Transportation engineering staff had no concerns with the parking rate proposed and the parking study provided. Additionally, the proposed parking rate is consistent with the current parking rate for other similar developments within the Derry Green Secondary Plan area.

The intent of the minimum parking space regulation in the Zoning By-law is to ensure that the supply of parking spaces meets the demand for a specific land use. Both the parking study and Town of Milton transportation engineering staff agree that sufficient parking will exist to serve the proposed development.

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

Recommendation:

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

Natalie Stopar

Natalie Stopar, MCIP, RPP
Planner, Development Review

December 6, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/112/M 905 & 955 James Snow Parkway

General Description of Application:

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

- A minimum office component of 5% of the gross floor area for an industrial use, warehouse/distribution centre, and wholesale operation where the total gross floor area of the building is greater than 6967 square metres, whereas a minimum of 10% of the gross floor area or 696 square metres, whichever is greater, is required.

The subject property is known municipally as 905 and 955 James Snow Parkway and is legally described as Block 5 on Registered Plan 20M-1260. The property is located on the east side of James Snow Parkway south of Derry Road, in an employment area known as Derry Green.

The Owner is in the process of constructing a business park consisting of 11 development blocks. The subject variance has been requested for Block 5 which consists of two buildings identified as buildings E1 and E2. Each building is 7,022.2 square metres in size with frontage on James Snow Parkway. The majority of the building construction and site works have been completed and the applicant is now in the process of finding tenants for each of the buildings.

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

The subject property is designated as Business Park Area lands on Schedule B of the Town of Milton Official Plan and Business Park Area with a Street Oriented Site overlay in the Derry Green Corporate Business Park Secondary Plan. The Secondary plan was designed to create a comprehensively planned, high quality, corporate business park with a significant component of office and other prestige uses. The Secondary Plan contemplated approximately 17,000 to 18,000 employees based on an assumption of approximately 45 employees per net hectare. The policies note that high quality and prestige uses are to be located fronting Highway 401, Derry Road and James Snow Parkway.

In the Street Oriented Site overlay area, the Secondary Plan specifies that the permitted uses are limited to the following:

- a) Offices;
- b) Light industrial uses which include a significant office component;
- c) Research and development uses excluding uses which produce biomedical waste;
- d) Restaurants and service commercial uses where such uses form part of a light
- e) industrial, or office or mixed use building, including an industrial mall;

- f) Commercial recreation uses and public indoor recreation facilities: and,
- g) Parks.

The applicant has proposed to reduce the office component to 5% of the gross floor area from 10% for both buildings. This results in a total office area of 702.22 square metres (7558 square feet) for both industrial buildings, whereas 1404.44 square metres (15,117 square feet) is currently required. Given that both buildings have a combined area of 14,044 square metres (151,168 square feet), staff are of the opinion that the proposed office area of 702.22 square metres (7558 square feet) does not represent a “significant office component” as required in the Official Plan policies.

It is Staff’s opinion that the proposal is not in conformity with the Town of Milton Official Plan, as amended. The proposed reduction to the office space component is not consistent with the Official Plan policies which only permit light industrial uses with a significant office component.

Zoning:

The subject lands are zoned Business Park with site specific provisions (M1*294). This zone permits a variety of uses including but not limited to a Fitness Centre, Industrial Uses, Medical Clinic, Office Building, Office Use, Recreation and Athletic Facility, Research & Technology Uses, U-Brew Establishments, Warehouse/Distribution Centre, and a Wholesale Operation.

Sections 13.1.1.294 C.1) state that;

- d) For an Industrial Use, Warehouse / Distribution Centre and Wholesale Operation, a minimum of fifteen percent (15%) or 929 square metres of Gross Floor Area, which ever is greater, shall be dedicated to the Office component for such use.
- e) Notwithstanding the forgoing, for an Industrial Use, Warehouse / Distribution Centre and Wholesale Operation located in a building where the total building gross floor area is greater than 6,967 square metres, a minimum of ten percent (10%) of the gross floor area or 696 square metres, which ever is greater, shall be dedicated to the office component for such use.

The applicant has requested a variance from subsection e), to reduce the minimum office component to 5% of the gross floor area for an Industrial Use, Warehouse/Distribution Centre and Wholesale Operation where the total gross floor area of the building is greater than 6968sq.m. (A reduction of 5% of the building floor area).

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, November 29, 2023. As of the writing of this report on, December 6, 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 reduce the minimum office component to 5% of the gross floor area for an Industrial Use, Warehouse/Distribution Centre and Wholesale Operation where the total gross floor area of the building is greater than 6968sq.m. The variance has been requested for two buildings, where each building is 7,022.2 square metres in size.

The Zoning By-law currently requires that a minimum of 10% of the total gross floor area be dedicated to an office component for an Industrial Use, Warehouse / Distribution Centre and Wholesale Operation. This provision would require approximately 702.2 square metres (7,558.63 square feet) to be dedicated to office space within each building. The proposed reduction would result in a minimum of 351 square metres (3,779.31 square feet) of office space for each building. Staff are of the opinion that this amount of office space does not represent a “significant office component” are required in the Official Plan.

The intent of the minimum office component requirement in the Zoning By-law is it to implement the policies of the Official Plan. Through the previously approved Zoning By-law Amendment for the site, it was determined that a minimum of 10% office space would be required for these buildings to be consistent with the policies of the Official Plan.

The proposed variance results in a total reduction of the office space within both industrial buildings from 1,404.44 square metres (15,117.26 square feet) to 702.22 sq.m. (7,558.63 square feet). Staff are of the opinion that the proposed office area does not represent a “significant office component” as required in the Official Plan polices.

For these reasons, it is staff’s opinion that the proposed variance is not minor in nature, does not meet the intent of the Official Plan and Zoning By-law, and is not desirable for the lands.

Recommendation:

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

Natalie Stopar

Natalie Stopar, MCIP, RPP
Planner, Development Review

December 6, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-100/M - 320 Kingsleigh Court

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:

- Requesting permission to allow a reduced interior side yard setback of 1.2 metres, whereas the Zoning By-law requires a minimum of 1.8 metres (a reduction of 0.6 metres).

The subject property is known municipally as 320 Kingsleigh Court and is legally described as Lot 43 on Plan 558. The lands are generally located south of Steeles Avenue and east of Martin Street within Mountain View neighbourhood. Surrounding land uses include low density residential, parkland and W.I Dick Public School.

To facilitate the construction a second storey addition, the applicant is seeking relief from the Zoning By-law relating to the interior side yard setback.

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

The subject property is designated as Residential on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan and identified as a 'Mature Neighbourhood Area' through Section 3.2.1.8. Residential additions are permitted within this area and shall be compatible and respectful of the character of the neighbourhood.

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

Zoning:

The subject lands are zoned as site-specific Residential Low Density II (RLD2*299) with a Natural Heritage Systems overlay. This zone permits low density residential, including single detached dwellings and semi-detached, along with accessory structures.

Section 6.2 Table 6B-1*4 of the Zoning By-law requires that lots with a frontage between 15 metres and 25 metres with a dwelling that has a detached garage have a minimum interior side yard setback of 1.8 metres. To facilitate the proposed addition, the applicant is requesting a reduction of 0.6 metres, resulting in a minimum interior side yard setback of 1.2 metres.

The proposal complies with all other provisions, including lot coverage and height.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, November 29, 2023. As of the writing of this report on, December 6, 2023, staff have not received any comments from members of the public.

Agency Consultation

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

The subject lands are considered to be within the flood hazard associated with Sixteen Mile Creek and therefore is regulated by Conservation Halton. Through agency circulation, Conservation Halton expressed no concerns with the proposal and have issued a Development Permit.

Urban Design Staff have reviewed the application and offer no objection to the proposal.

Planning and Development Department Comments:

The applicant has requested relief from the Zoning By-law to facilitate the siting of a proposed second storey addition. In part with the proposal, the applicant will remove the existing shed, retain the porch at the rear of the dwelling and add a covered porch to the front of the dwelling.

The proposed interior side yard setbacks of 1.2 metres provide ample access to the rear yard, allows for adequate run-off and drainage, and maintains privacy of adjacent dwellings. While less than what the Zoning By-law requires, the impact of the reduced setback is minimal. With the exception of the interior side yard setback, the proposal is as-of-right and complies with all other provisions of the Zoning By-law.

The second storey maintains the height provision within the Zoning By-law and elevations depict minimal windows in an effort to maintain the privacy of adjacent land owners. The inclusion of a covered porch at the front of the dwelling represents a positive contribution to the character of the neighbourhood.

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

Recommendation:

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

1. That the addition shall be generally located and constructed in accordance with the site plan and building elevations, prepared by Caprija Corporation, date stamped by Town Zoning on November 29, 2023.
2. That prior to Building Permit issuance, a Conservation Halton Permit must be provided.
3. That a Building Permit 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

December 6, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-101M 127 Yates Drive

General Description of Application:

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

1. To allow the width of the residential driveway to be 2.53 metres, a difference of - 0.22 metres per parking space; and
2. To allow the interior side yard setback to be 0.32 metres, a reduction of -0.28 metres.

The subject property is known as 127 Yates Drive and located near the corner of Elderberry Crescent and Yates Drive. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily compromised 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. Further, the applicant is also proposing an entrance for the secondary dwelling unit in the interior side yard which requires a landing.

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. A variety of medium and high density residential uses are permitted. Second Residential Units are permitted, subject to the following criteria as set out in Section 3.2.3.9:

- a) the use shall be located in an existing single detached, semi-detached, row houses, and in accessory structures where adequate municipal piped water and wastewater services are available and connected;
- b) the site is accessible to public transit;
- c) there will be no significant changes to the external character of the building or property;
- d) all of the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations are satisfied; and
- e) the existing dwelling is not within the Regulatory Flood Plain.

It is staff's opinion that the proposal is in conformity with the Town of Milton Official Plan. The proposed accessory dwelling unit is located within an existing single detached dwelling on full municipal services. The subject lands are located in close proximity to municipal transit and no significant changes to the external character of the building or property are being proposed.

Zoning:

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1*264) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*264 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 m².

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 2.53 metres, a difference of -0.22 metres per parking space, to facilitate the proposal.

Section 6.2 Table 6C of the Zoning By-law states that the minimum required interior side 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 interior side yard setback on one side to be 0.32 metres, a difference of - 0.28 metres, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on November 29, 2023. As of the writing of this report on December 6, 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. It's noted that a building permit must be received prior to commencing construction of the accessory dwelling unit.

The Town's Fire & Rescue Services has no objection but did note that the setbacks along the side of the residence are not wide enough to accommodate Emergency Responders during an event at the secondary unit. Planning staff acknowledge the comment however,

at this time there is no provisions in the Town's Zoning By-law that require specific setbacks or minimum requirements.

Planning staff are currently working on updating the Town's Zoning By-law to include Accessory Residential Unit provisions and will work with Fire & Rescue Services to ensure they are satisfied.

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 -0.22 metres 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 interior side yard setback on one side to be 0.32 metres, a difference of - 0.28 metres, to facilitate the proposal. The encroachment into the interior side yard is required for the landing.

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 access through an entrance in the side yard and will feature an above-grade landing. The landing will encroach into the side yard at +0.32 metres and Planning staff have no concerns about the location or the impact on the neighbouring properties. Engineering staff have also confirmed that there is no negative impact from a drainage perspective.

Planning staff have reviewed both variance requests and offer no objection to their 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. In regards to the interior side yard encroachment, staff are satisfied that the landing will not impact the neighbouring properties.

Planning staff note that through discussions with the owner and agent that they have agreed to remove a portion of the interlocking pavement from the front yard and replaced with sod. A condition below has been included for this requirement.

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 Out of the Box Engineering Inc., date stamped by Town Zoning on November 6, 2023.
2. That a portion of the front yard interlocking pavement be removed and replaced with sod to the satisfaction of the Town of Milton.
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.

Taylor Wellings

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

December 6, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-102M 13344 Nassagaweya-Esquesing Town Line

General Description of Application:

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

- Requesting permission to allow an increase in the gross floor area to 166 square metres, a difference of + 73 square metres, for the proposed accessory structure

The property is known municipally as 13344 Nassagaweya-Esquesing Townline and is located at the end of the Town Line and north of 25 Side Road. The property contains an existing dwelling as well as a barn and shed. The applicant has confirmed that the barn will remain on the property but the proposed accessory structure will replace the shed and it will be demolished.

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

The subject property is designated Agricultural Area in the Town of Milton Official Plan and included within the Greenbelt Plan Area. The Agricultural Area designation permits single detached dwellings on existing lots of record as well as accessory buildings and structures. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

Zoning:

The subject lands are zoned Rural (A2) of the Comprehensive Zoning By-law 144-2003 as amended. In this zone, permitted uses include agricultural uses as well as single-detached dwelling and accessory buildings and structures on existing lots of record.

Section 4.1.2.2 ii) states that the maximum permitted gross floor area for accessory buildings and structures is 93 square metres. The applicant is requesting permission to allow an increase in the maximum permitted gross floor area to 166 square metres, an increase of + 73 square metres, for the proposed accessory structure.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on November 29, 2023. As of the writing of this report on December 6, 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. The proposed accessory structure will replace a previous structure (shed) that was similar in size (gross floor area) and in the same location. The applicant has confirmed that the proposed accessory structure will be used for agricultural purposes and will store agricultural equipment which is used to maintain the property.

The applicant is requesting permission to allow an increase in the maximum permitted gross floor area to 166 square metres, an increase of + 73 square metres, for the proposed accessory structure. In consideration of the increase in gross floor area, Planning staff are of the opinion that although the proposed structure is significantly larger than the maximum gross floor area permitted in the Zoning By-law, the impact of the proposed structure on the overall development and use of the lands, as well as the impact on adjacent properties, is negligible.

The Zoning By-law would permit multiple detached garages and/or structures with a maximum gross floor area of 93 square metres to be constructed on the subject lands. As noted above, the proposed structure will replace a previous accessory structure (shed) in the same location. The proposed accessory structure meets the required setbacks and maximum height zoning provisions.

Planning staff have reviewed the requested variance 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 accessory structure be located and constructed in accordance with the site plan and building elevations, prepared by Bankside Design Studio, date stamped by Town Zoning on October 24, 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 'shed'.
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.

Taylor Wellings

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

December 6, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-103M 250 Heslop Road

General Description of Application:

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

1. Requesting permission to allow the width of the residential driveway to be 8.25 metres, a difference of +0.25 metres; and
2. Requesting permission to allow the accessory dwelling unit area to be 98.1 square metres, an difference of + 13.1 square metres.

The subject property is known municipally as 250 Heslop Road and located near the corner of Heslop Road and Thomas Street. The subject property contains a single-detached dwelling with an attached one-car garage. Surrounding uses are residential and is primarily compromised 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 the three parking spaces on the driveway and the single-car garage will be converted into additional living space for the proposed secondary dwelling unit.

Planning staff and the applicant have agreed to a new entrance location for the proposed secondary dwelling unit and the entrance will now be established in the interior side yard. No variance is required for the proposed entrance location and Planning staff have included a condition below that speaks to ensuring that the entrance location remain in the inferior side yard.

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. A variety of medium and high density residential uses are permitted. Second Residential Units are permitted, subject to the following criteria as set out in Section 3.2.3.9:

- a) the use shall be located in an existing single detached, semi-detached, row houses, and in accessory structures where adequate municipal piped water and wastewater services are available and connected;
- b) the site is accessible to public transit;
- c) there will be no significant changes to the external character of the building or property;

- d) all of the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations are satisfied; and
- e) the existing dwelling is not within the Regulatory Flood Plain.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan. The proposed accessory dwelling unit is located within an existing single detached dwelling on full municipal services. The subject lands are located in close proximity to municipal transit and no significant changes to the external character of the building or property are being proposed.

Zoning:

The subject lands are zoned Site Specific Residential Medium Density 3 (RMD3*300) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD3*300 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 m².

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

Section 5.6.2 iv) d) E) of the Zoning By-law states on a lot with a frontage greater than 11.5 metres, the maximum permitted width of a residential driveway is 8.0 metres. The applicant is requesting permission to allow the width of a residential driveway to be 8.25 metres, a difference of + 0.25 metres, to facilitate the proposal.

Section 4.10 iv) of the Zoning By-law states that the maximum permitted accessory dwelling unit area is 85 square metres. The applicant is requesting permission to allow the accessory dwelling unit area to be 98.1 square metres, a difference of + 13.1 square metres, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on November 29, 2023. As of the writing of this report on December 6, 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 allow the width of a residential driveway to be 8.25 metres as well as requesting permission to allow the accessory dwelling unit area to be 98.1 square metres for the accessory apartment. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park three vehicles. 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 noted above, the applicant has also requested an increase in the size of the accessory dwelling unit. This variance was required because of the garage being converted into additional living space for the accessory dwelling unit. This additional area contributes to the total gross floor area of the accessory apartment which has rendered the unit oversized. Planning staff have no concerns with the increase in maximum size for the unit. The dwellings footprint is existing and there is no proposed development but only utilizing the existing layout.

The entrance for the proposed secondary dwelling unit will be located in the interior side yard and will not impact the front façade of the dwelling or external character. Planning staff are satisfied with the proposed location.

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 Archicreation, date stamped by Town Zoning on November 6, 2023.
2. That the owner constructs the entrance for the proposed secondary dwelling unit in accordance with the updated building elevations, prepared by Archicreation and dated December 6, 2023.
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.

Taylor Wellings

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

December 6, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-104M 386 Blinco 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 the width of the residential driveway to be 2.55 metres, a difference of - 0.20 metres per parking space.

The subject property is known municipally as 823 Whitlock Avenue and is located near Cedar Hedge Park. 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):

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. A variety of medium and high density residential uses are permitted. Second Residential Units are permitted, subject to the following criteria as set out in Section 3.2.3.9:

- a) the use shall be located in an existing single detached, semi-detached, row houses, and in accessory structures where adequate municipal piped water and wastewater services are available and connected;
- b) the site is accessible to public transit;
- c) there will be no significant changes to the external character of the building or property;
- d) all of the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations are satisfied; and
- e) the existing dwelling is not within the Regulatory Flood Plain.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan. The proposed accessory dwelling unit is located within an existing single detached dwelling on full municipal services. The subject lands are located in close proximity to

municipal transit and no significant changes to the external character of the building or property are being proposed.

Zoning:

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1*150) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*150 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 m².

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 2.55 metres, a difference of -0.20 metres per parking space, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on November 29, 2023. As of the writing of this report on December 6, 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. It's noted that a building permit must be received prior to commencing construction of the accessory dwelling unit.

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 - 0.20 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 existing 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 Archisystem Inc. date stamped by Town Zoning on November 1, 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

December 6, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-105M 752 Robertson 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 covered rear deck:

- To allow a maximum lot coverage of 33.47%, a difference of + 3.47%

The subject property is known municipally as 752 Robertson Crescent and located near Robertson Crescent and Childs Drive. The subject property contains a single-detached dwelling with an attached two-car garage. The rear yard does contain a swimming pool and the covered rear deck has already been constructed.

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

The subject lands are designated “Residential Area” on Schedule B - Urban Land Use Plan of the Town of Milton Official Plan. The permitted uses of the “Residential Area” designation are primarily low to medium density residential dwellings as well as accessory structures.

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 Site Specific Residential Low Density 7 (RLD7*310) under Comprehensive Zoning By-law 016-2014, as amended. The RLD7*310 Zone permits single detached dwellings (among other types of dwellings) and supplementary uses such as accessory structures.

Section 6.2 Table 6B-2 (I) Footnote (*2) of the Zoning By-law states that the permitted lot coverage for lots with area that are less than 660 square metres is 30%. The applicant is requesting permission to allow an increase in lot coverage to 33.47%, a difference of + 3.47%, to recognize the rear covered deck.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on November 29, 2023. As of the writing of this report on December 6, 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 recognize the construction of a covered deck in the rear yard of the subject property. The covered deck is intended to provide private outdoor space as well as shelter from the sun during the summer months. Uncovered decks do not contribute to overall lot coverage, however the installation of a roof does.

The applicant is requesting permission to allow an increase in lot coverage to 33.47%, a difference of + 3.47%, to recognize the rear covered deck. The deck will serve as a covered area for privacy and shade during the summer months. The deck is considered to form part of the principle coverage on the lot because the roof will be attached to the existing dwelling. If the deck and roof structure were independent, the accessory structure provisions would apply.

In consideration of the proposed increase lot coverage, Planning staff do not anticipate that the increase in size will have a negative impact on the subject lands or surrounding property owners. The proposed structure, although in excess of them maximum lot coverage, meets all remaining zoning provisions including height and setbacks.

Planning staff have reviewed the requested variance 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 covered rear deck shall be located in accordance with the site plan and building elevations, prepared by the Owner. date stamped by Town Zoning on November 6, 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

December 6, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-107M 995 Dice 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:

- Requesting permission to allow the minimum exterior side yard setback of 1.71 metres, a difference of - 0.29 metres

The subject property is known municipally as 995 Dice Way and is located on the corner of Dice Way and Zuest Crescent. 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):

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. A variety of medium and high density residential uses are permitted. Second Residential Units are permitted, subject to the following criteria as set out in Section 3.2.3.9:

- a) the use shall be located in an existing single detached, semi-detached, row houses, and in accessory structures where adequate municipal piped water and wastewater services are available and connected;
- b) the site is accessible to public transit;
- c) there will be no significant changes to the external character of the building or property;
- d) all of the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations are satisfied; and
- e) the existing dwelling is not within the Regulatory Flood Plain.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan. The proposed accessory dwelling unit is located within an existing single detached dwelling on full municipal services. The subject lands are located in close proximity to

municipal transit and no significant changes to the external character of the building or property are being proposed.

Zoning:

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1*150) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*150 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 m².

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

Section 6.2 Table 6C of the Zoning By-law requires a minimum exterior side yard setback of 2.0 metres, if the yard abuts a public right-of-way less than 18.0 metres. The applicant is requesting permission to allow the exterior side yard to be 1.71 metres, 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 November 29, 2023. As of the writing of this report on December 6, 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 below-grade stairs and an entrance in the exterior side yard for the creation of an accessory residential unit. The applicant is requesting permission to allow the exterior side yard to be 1.71 metres, a difference of - 0.29 metres, to facilitate the proposal.

The owner has agreed to extend the existing fence and provide landscaping to screen the entrance from the view of the street. The landscaping, in addition to the remaining setback of 1.71 metres from the street line, will help minimize the visual impact of the stairs on the streetscape. Planning staff are satisfied that these additional measures will ensure that the below-grade entrance does not negatively impact the character and front façade of the dwelling.

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 and below-grade stairs shall be located and constructed in accordance with the site plan and building elevations, prepared by Parus Khushk & Zain Adeeb., date stamped by Town Zoning on October 30, 2023.
2. That landscaping and a fence extension be provided along the below-grade entrance to screen the entrance from the street.
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.

Taylor Wellings

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

December 6, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-109M 1599 Severn Drive

General Description of Application:

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

- Requesting permission 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 1599 Severn Drive and is located near the corner of Severn Drive and Manitou 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):

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. A variety of medium and high density residential uses are permitted. Second Residential Units are permitted, subject to the following criteria as set out in Section 3.2.3.9:

- a) the use shall be located in an existing single detached, semi-detached, row houses, and in accessory structures where adequate municipal piped water and wastewater services are available and connected;
- b) the site is accessible to public transit;
- c) there will be no significant changes to the external character of the building or property;
- d) all of the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations are satisfied; and
- e) the existing dwelling is not within the Regulatory Flood Plain.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan. The proposed accessory dwelling unit is located within an existing single detached dwelling on full municipal services. The subject lands are located in close proximity to

municipal transit and no significant changes to the external character of the building or property are being proposed.

Zoning:

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1*283) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*283 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 m².

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 November 29, 2023. As of the writing of this report on December 6, 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 existing 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 MEM Engineering Inc., date stamped by Town Zoning on November 1, 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

December 6, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-110M 324 Kingsleigh Court

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variance(s) to Zoning By-law 016-2014, as amended, has been requested to permit a secondary dwelling unit as well as recognize an increase in gross floor area for existing accessory structures:

1. To allow the residential driveway width to be 8.25 metres, a difference of + 0.25 metres; and
2. To allow the permitted gross floor area to be 14.1 square metres, a difference of + 0.1 square metres.

The subject property is known as 324 Kingsleigh Court and located on the south side of Kingsleigh Court and directly backs onto W.I.D Middle School. The subject property contains a single-detached dwelling and two accessory structures. Surrounding uses are residential and commercial.

The applicant is proposing to construct a basement apartment, where the entrance to the accessory apartment is located in the exterior side yard. The proposed variances are related to extending the existing driveway to allow for parking for three (3) vehicles as well as recognizing the existing gross floor area of accessory buildings in the rear 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 as Site Specific Residential Low Density Two (RLD2*299) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD2*299 zone permits a variety of residential uses, including detached dwellings and accessory buildings and structures.

Section 5.6.2 iv) d) e) of the Town's Zoning By-law states that lots having a frontage greater than 11.5 metres are permitted a maximum residential driveway width of 8.0 metres. The applicant is requesting permission to allow the residential driveway width to be 8.25 metres, a difference of + 0.25 metres, to facilitate the proposal.

Section 4.2.1 Table 4A (I) of the Town's Zoning By-law states that the maximum gross floor area for accessory building on a lot having an area between 660-830 square metres is 14 square metres. The applicant is requesting permission to allow the permitted gross

floor area to be 14.1 square metres, a difference of + 0.1 square metres, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on November 29, 2023. As of the writing of this report on December 6, 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 allow the residential driveway width to be 8.25 metres, a difference of + 0.25 metres, to facilitate the proposal. Further, as part of the application process it was identified that the two existing accessory buildings in the rear yard do exceed the gross floor allowance and the applicant is also requesting permission to allow the permitted gross floor area to be 14.1 square metres, a difference of + 0.1 square metres.

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 three 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 also do not have concerns with the proposed gross floor area to recognize the two existing accessory buildings. Both buildings meet the other zoning by-law provisions for setbacks and height and the increase is minor and will be negligible on surrounding properties.

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 proposed development shall be generally located and constructed in accordance with the site plan, prepared by MEM Engineering Inc. date stamped by Town Zoning on October 26, 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.

Taylor Wellings

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

December 6, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-111M 813 Aspen 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 the width of the residential driveway to be 2.66 metres, a difference of - 0.09 metres per parking space.

The subject property is known municipally as 813 Aspen Terrace and located on the south side of Aspen Terrace and east of Redbud Garden. 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*264) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*264 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 m².

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 2.66 metres, a difference of - 0.09 metres, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on November 29, 2023. As of the writing of this report on December 6, 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 -0.09 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 rear 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 G.SL Engineering, date stamped by Town Zoning on November 1, 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

December 6, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-114/M - 271 Sydney Street

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:

1. Allow two garages on a lot, whereas only one is permitted (an increase of one garage);
2. Allow a maximum height of 6.1 metres for a detached garage, whereas 4.3 metres is currently permitted (an increase of 1.8 metres);
3. Allow a maximum gross floor area of 126.22 square metres, whereas 85 square metres is currently permitted (an increase of 41.22 square metres);
4. Allow the maximum gross floor area of a detached garage to be 17.64% of the lot area, whereas only 10% is currently permitted (an increase of 7.64%);
5. Allow a maximum lot coverage of 22.72%, whereas 20% is currently permitted (an increase of 2.72%); and,
6. A maximum driveway width of 11 metres, whereas 8 metres is currently permitted (an increase of 3 metres).

The subject property is known municipally as 271 Sydney Street and is legally described as Part of Lots 87 and 88 on Plan 96. Surrounding land uses include low-density residential, along with J.M Denyes Public School and the Milton Fairgrounds.

The owners wish to construct a detached garage with an additional residential unit located on the second floor. The existing dwelling and driveway are to be retained.

Bill 23 - More Homes, Built Faster established provincial direction relating to additional residential units whereby an urban lot with municipal servicing can have up to three units on a lot, including a maximum of one being located in a detached structure. Based on direction provided through Bill 23 and Ontario Regulation 299/19, Planning Staff are of the opinion that the in-effect legislation allowing an additional residential unit to be located within a detached structure supersedes Section 4.10 (i) of the Zoning By-law which requires that an additional residential unit to be located within a primary dwelling.

For additional information, the Committee of Adjustment previously granted provisional approval for Consent to Sever (B22-003/M) on the subject lands - this proposal would result in lot creation to legally establish two lots whereas one currently exists. Should this minor variance be approved, the applicants intend to let the provisional consent approval lapse and forego the original plan of land division. Therefore, if the owners are permitted to establish a detached additional residential unit, there will be no severance.

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

The subject property is designated as Residential on Schedule A - Urban Land Use Plan within the Town of Milton Official Plan. The lands are identified within the Town's Character Area on Schedule D - Urban Area Planning Districts, Character Area and Community Improvement Area.

Section 2.10.3.37 (a) of the Official Plan directs that all development shall be compatible with and sympathetic to existing building forms, including heights, setbacks, scale and architectural features.

Given the detached garage is proposed to replace an existing detached garage, Planning Staff are of the opinion that there is no impact to the character of the property and the architectural features of the structure are sympathetic to the neighbourhood.

Section 3.2.3.9 of the Official Plan requires that additional dwelling units shall be permitted as-of-right in the Residential Area, subject to the following criteria being met:

1. The use is located in an existing single detached dwelling and accessory structures where adequate municipal piped water and waste water services are available and connected;
2. The site is accessible to public transit;
3. There will be no significant changes to the external character of the building or property;
4. All of the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations can be satisfied; and,
5. The existing dwelling is not within the Regulatory Flood Plain.

Given the unit is proposed within an accessory structure, the site is connected to municipal servicing, not within the Regulatory Flood Plain, is accessible to public transit, and subject to the approval of this application and Building Permit issuance, will comply with all applicable law, including the Zoning By-law and Ontario Building Code.

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

Zoning:

The subject lands are zoned as Residential Low Density I (RLD1) within the Town of Milton Urban Zoning By-law 016-2014, as amended.

Section 4.10 of the Zoning By-law sets-out the following regulations related to secondary dwelling units:

An accessory dwelling unit is permitted in a single detached dwelling or a semi-link dwelling unit only, provided that:

- (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 square metres.*

Based on the above-noted provisions and consideration of Bill 23, Planning Staff confirm that the proposal maintains all regulatory provisions associated with additional residential units with the exception of the maximum gross floor area for which this application seeks relief.

The specific provisions for which this proposal requires relief from the Zoning By-law includes the following:

Variance 1: Two Garages on One Lot

Section 4.2.2.1 i) permits a maximum of one garage on a lot, whereas the applicant is proposing two. The intent of this provision is to ensure that the primary dwelling remains the prominent feature and that the site is not over developed.

Variance 2: Height of Detached Garage

Section 4.2.2.2 i) d) permits a maximum height of 4.3 metres for a detached garage, whereas the applicant is proposing 6.1 metres. The intent of this provision is to ensure that the structure does not impact adjacent land owners so far as privacy, maintains the character of the area, and that it remains clearly secondary to the primary dwelling/structure.

Variance 3: Increase in Gross Floor Area of Additional Dwelling Unit

Section 4.10 iv) permits a maximum gross floor area associated with an additional dwelling unit to be 85 square metres, whereas the applicant is proposing 126.22 square metres. The intent of this provision is to ensure that the unit remains subservient to the primary dwelling unit.

Variance 4: Increase in Gross Floor Area of a Detached Garage

Section 4.2.2.2 i) e) permits a maximum gross floor area of 10% of the total lot area for a detached garage, whereas the applicant is requesting 17.64%. The intent of this provision is to ensure that the garage remains subservient to the principle structure, being the primary dwelling, and further that it does not result in over-development of the lot.

Variance 5: Increase in Lot Coverage

Section 6.2 Table 6B (l) allows a maximum lot coverage of 20% for lots with an area greater than 830 square metres, whereas the applicant is proposing 22.72%. The intent of this provision is to ensure that the site is not over-developed and there is adequate permeable surface for various engineering considerations.

Variance 6: Increased Driveway Width

Section 5.6.2 iv) d) e) allows a maximum driveway width of 8.0 metres for lots with a frontage greater than 11.5 metres, whereas the applicant is requesting 11.0 metres. This provision is to ensure that the driveway is not the dominant feature of the lot and further, to protect for permeable area and landscaped open space.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, November 29, 2023. As of the writing of this report, on December 6, 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.

Town Building Staff requested information pertaining to the proposed distance separation, soil reports, and mechanical design; this information will be provided as part of the subsequent Building Permit application. A Demolition Permit will be required prior to the removal of the existing detached garage.

Town Development Engineering Staff requested that a Stormwater Management Brief be submitted, to their satisfaction, as part of the subsequent Building Permit application.

Planning and Development Department Comments:

The applicant has requested a minor variance to construct a detached garage containing an additional residential unit. In order to construct the proposed structure, the existing detached garage will be removed; there are no physical changes proposed to existing dwelling.

Variance 1: Two Garages on One Lot

In seeking relief to accommodate two garages on one lot, the proposal is maintaining existing conditions as the site already has an attached one-car garage and a detached one-car garage. Through this proposal, the applicant would demolish the existing detached garage and replace it with the two-car detached garage being presented. Planning Staff are of the opinion that this variance is minor and any impact of the second garage itself is negligible given existing conditions on site.

Variance 2: Height of a Detached Garage

To accommodate the proposed detached garage and additional residential unit, the applicant is seeking an increase in height for the built form of the garage. While higher than what is permitted in the Zoning By-law, the proposal maintains the intent of the provision in that the garage remains accessory to the primary principle structure, being the main dwelling. Due to the grade transition on site, the principle structure itself has a perceived height of 6.68 metres (at the lowest grade point). From a streetscape perspective, the garage is clearly accessory to the primary structure and does not exceed the height of the same. Finally, the garage maintains a generous setback from shared lot lines in an effort to enhance privacy and minimize the increase in height.

Variance 3, 4 and 5: Increase Gross Floor Area and Lot Coverage

The increase in gross floor area associated with the additional residential unit is minor in nature as it is based on the footprint of the proposed two-car garage. Further, the unit itself will remain clearly secondary to the primary unit located on site, being the principle structure.

The increase in gross floor area associated with the detached garage is minor in nature as the lot is generous in size and does not result in over-development of the lot; the garage remains accessory to the principle structure.

Similarly, the additional lot coverage is minor in nature based on the lot size and will not result in over-development of the lot. Through the Building Permit application, Development Engineering will require that a Stormwater Management Brief be submitted, to their satisfaction, prior to permit issuance.

Variance 6: Increased Driveway Width

The proposed increase in driveway width is minor in nature as it only applies to the rear portion of the driveway, directly in front of the detached garage; the added width accommodates the double door being proposed for vehicular access to the garage. From a streetscape perspective, the driveway is not being widened at the throat, nor is there curb cutting proposed. Further, the front yard is generous in size thereby minimizing the impact of any expansion. Therefore, the expansion of the driveway directly in front of the detached garage is minor in nature and any impact beyond what is existing is negligible. The added impervious surface is expected to have minimal impact on the site and will be thoroughly reviewed through the Stormwater Management Brief.

Based on the foregoing, Planning Staff offer no objection to the approval of this application as the lot is generous in size, the structure maintains neighbourhood character, and the additional residential unit contributes to housing availability. Planning Staff are of the opinion that the relief being requested is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and conforms to the Official Plan.

Recommendation:

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

1. That the detached garage and additional dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Care Engineering and Design Services Inc., date stamped by Town Zoning on November 9, 2023.
2. That prior to removing the existing detached garage, a Demolition Permit be obtained.
3. That prior to Building Permit issuance, a Stormwater Management Brief be submitted, to the satisfaction of Town Development Engineering.
4. That prior to Building Permit issuance, the property owners obtain a "Certificate of Cancellation" under Section 53 (45) for B22-003/M.
5. That a Building Permit be issued within two (2) years from the date of this decision.
6. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a Building Permit is not secured.

Rachel Suffern

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