



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

Thursday, January 25, 2024, 6:00 p.m.  
Council Chambers - In Person

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

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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.
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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.

**6. NEXT MEETING**

Thursday, February 22, 2024, commencing at 6:00 p.m

**7. ADJOURNMENT**



The Corporation of the  
Town of Milton  
Committee of Adjustment Minutes

December 14, 2023, 6:00 p.m.

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

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

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

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1. **AGENDA ANNOUNCEMENTS / AMENDMENTS**

There were no agenda announcements/amendments.

2. **DISCLOSURE OF PECUNIARY INTEREST**

Member Slaght declared a pecuniary interest for application A23-102/M 13344 Nassagaweya Esquesing Townline, as he works for Grand River Conservation, who is a commenting agency on the application.

3. **MINUTES**

3.1 Minutes of Committee of Adjustment Hearing held on November 30, 2023.

**BE IT RESOLVED THAT**

1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, November 30, 2023 BE APPROVED.

**Carried**

4. **HOUSEKEEPING ITEMS**

The Chair provided an overview of the housekeeping items.

5. **ITEMS FOR CONSIDERATION**

**5.1 A23-113/M - 6670-6790 Fifth Line**

Agent for the applicant, Jessica Kwan, address: 2680 Skymark Avenue, Suite 800, Mississauga, provided an overview of the application.

**Questions to Agent Jessica Kwan**

Member Ellahi inquired if all the buildings are already tenanted. Agent Kwan claimed only two out of the four buildings are tenanted. Building 1, the North building, has one tenant that has already signed. Building 3 has two tenants, that have already signed. For Buildings 2 and 4, they are still trying to find tenants. Member Ellahi stated, in the drawing it states that building 4 has four tenants. Agent Kwan clarified that it is proposed to have a maximum of four tenants, however this could change through the marketing of building 4. For example, if one of the tenants were after a bigger space, and therefore they would only require tenants. Overall, the intent of the parking variance and the rate that is proposed is to ensure that there is a maximum number of tenants that they could provide, otherwise they would not meet this variance and the minimum number of parking spaces as required. Member Ellahi then asked agent Kwan to clarify if there may need to be another minor variance request in the future, based on the number of tenants in buildings 2 and 4. Agent Kwan stated if the number of proposed tenants increases and thus does not meet the minimum parking rates as per the rate that is being proposed then another minor variance application would have to be brought forward to the committee. However, they do not intend to increase the number of tenants to more than 4, as the units would be too small for the tenants.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-113/M) for 6670-6790 Fifth Line in the Town of Milton **BE APPROVED.**

**Carried**

**5.2 A23-112/M - 905 & 955 James Snow Parkway**

Agent for the applicant, Gerry Tchisler from MHBC Planning, address: 442 Brant Street, Suite 204, Burlington and Douglas Scarlett, director of industrial leasing at Oxford properties, provided an overview of the application.

### **Questions to Gerry Tchisler and Douglas Scarlett**

Member Ellahi inquired, if the office space is reduced, does that mean the remaining space gets adjusted into the warehouse space. Gerry Tchisler stated this is correct, as the footprint of the building is already there, thus it is either going to be office or warehouse space, they are looking from anywhere between 5% to 10% to be used as an office component, thus if they wanted more than 5% of office component it is certainly possible. However, they are looking to reduce the minimum requirement to 5%. Member Ellahi asked if they could provide him with a number in square feet as to how much is going to be increased in warehouse area, by reducing the office space. Douglas Scarlett stated, generally speaking if 10% of 75,000 square feet is 7,500 square feet then there would 3,750 square feet of warehouse space versus office space by virtue of the reduction from 10% to 5%.

### **Questions to Town Planner Natalie Stopar**

Member Trombino inquired what would be the community risks of allowing this nature of variance in the area. Town Planner Natalie Stopar claimed she doesn't believe there to be any risks to the community, rather her recommendation to refuse the variance comes from the analysis of the policies of the official plan. The policies at the time the secondary plan was created in 2015 envisioned this business park to have a significant office component, which required a significant office particularly along large corridors, such as James Snow Parkway and Derry Road with portions fronting on those lands designated as prestige office and those connecting points (such as what this designation is), as a street-oriented area requiring a significant office component. A few years ago, when the town completed the original Zoning By-law amendment application, when those policies were interpreted, the Town was comfortable going down to a very minimum of a 10% office component for buildings of this size. Thus, it is in her professional opinion, that reducing the minimum office component down to 5% would no longer be meeting the intent of the policies of having that significant office component. Member Trombino stated he would like to know if there would be any impacts to the surrounding neighbourhoods if the variance was approved. Town Planner Natalie Stopar claimed she doesn't believe there would be a significant impact to the community, as warehouse uses are permitted on this designation provided as a significant office component.

Chair Kluge asked Town Planner Natalie Stopar to clarify if regardless of whether they are warehouses or office spaces the Town's intent is to have high quality design in those corridors. Town Planner Natalie Stopar stated the street-oriented overlay area included policies not only for the types of permitted uses for those lands, but it also included separate policies regarding the urban design of those buildings. Thus, Oxford worked very closely with our site plan staff on the design of those buildings, in order to meet the Town's requirements of urban design along James Snow Parkway. Chair Kluge stated his concern lies on whether or not this is a trend, and whether or not the Town has received previous minor variance applications to reduce office component spaces, and will the Town staff take this under advisement, as 2015 (when the secondary plan was created) is a very different world from 2023. Town Planner Natalie Stopar stated the Oxford development is a part of phase 1 development of the Derry Green Secondary plan, which is a pretty large employment area for the Town of Milton. The only other developments currently within the Derry Green area that are built and occupied are all designated as industrial areas, so this never came up through the tenancy of those buildings. Oxford is quite far along, as they are looking to get tenants. She stated she believes it's quite possible, given the change in market conditions, they could get more requests such as this one in the future, given the demand of office space has really gone down in the last few years, in which the Town has internally been taking a look at this. However, any decision to amend the Town's planning policies would have to be made by Council through an amendment to the secondary plan.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-112/M) for 905 & 955 James Snow Parkway in the Town of Milton **BE DENIED.**

**Carried**

**5.3 A23-100/M - 320 Kingsleigh Court**

The agent for the applicant, Mazhar Raja, address: 8250 Lawson Road Milton, provided an overview of the application.

**Questions to the Agent Mazhar Raja**

Member Trombino inquired if the reduction in setback is on both sides of the dwelling. Agent Raja claimed the setback on one side of the dwelling is 1.2 metres and the other setback on the other side of the dwelling is a little bit more than 1.2 metres, but they intend to keep the setback of 1.2 metres on both sides.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-100/M) for 320 Kingsleigh Court in the Town of Milton **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.

**Carried**

**5.4 A23-101/M - 127 Yates Drive**

Agent for the applicant, Bhaskar Joshi, address: 7 Archway Trail Brampton provided an overview of the application.

**Questions to Agent Bhaskar Joshi**

Member Ellahi asked for confirmation that the owners are going to take off the interlock and replace it with sod. Agent Joshi stated the homeowners have agreed to take off the interlock, as it is not in compliance with the zoning By-law.

**Questions to Town Planner Natalie Stopar**

Chair Kluge inquired what interlock is being taken off of the property. Town Planner Stopar stated all the interlocking Infront of the front door would need to be removed because that would be included as part of the maximum driveway width requirement, as they would have to maintain the maximum driveway width permitted in the zoning By-law. Chair Kluge asked if the interlocking is not considered landscaping in Milton. Town Planner Stopar stated if you can park a vehicle on it, it is considered to be a part of the driveway. The Town does allow flexibility for front walkways, so that is something the owners would have to work with the Zoning staff with, to find something that would comply with the Zoning By-law. Chair Kluge inquired if she knew if agent is agreeable to this. Town Planner Stopar stated there is a condition included in the planning report, that requires the removal of the front yard interlocking to be replaced with sod.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23- 101/M) for 127 Yates Drive 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 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.

**Carried**

**5.5 A23-102/M - 13344 Nassagaweya Esquesing Line**

Owners Markus Peter and Julie Yu, address: 13344 Nassagaweya Esquesing Town Line 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- 102/M) for 13344 Nassagaweya-Esquesing TownLine in the Town of Milton **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.

**Carried**

**5.6 A23-103/M - 250 Heslop Road**

Owner, Lilly Lo Manto, address: 250 Heslop Road provided an overview of the application.

**Questions to agent Amr Serrag Eldin**

Member Jayaveer asked for confirmation, if the three parking spaces are within the property lines. Agent Eldin stated, the three parking spaces are within the property lines, one of the variances they are asking for is to make the driveway 25cm more than what is permitted, which is 8 metres to allow three cars to legally park.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-103/M) for 250 Heslop Road 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 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.

**Carried**

#### **5.7 A23-104/M - 386 Blinco Terrace**

Owner, Ali Mirza, address: 386 Blinco Terrace 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 (A23-104/M) for 386 Blinco 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 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.

**Carried**

## 5.8 A23-105/M - 752 Robertson Crescent

Owners, Jeanie and Michael Taylor, address: 752 Robertson Crescent, provided an overview of the application.

### Public Participation

Lisa Dilliou, 754 Robertson Crescent stated the owners add on is not small by any nature It is affecting her family in a way where it dwarfs shades her backyard as it is really close to fence line. She is also concerned about the run-off as there is no eavesdrop for run-off. She is forced to put up blinds at her kitchen window, where her and her family sit and eat.

Member Ellahi inquired if her property is on the left-hand side of the property in questions. Lisa claimed she is on the left-hand side closer to the road. Member Ellahi claimed the distance between the new addition of a covered porch to the property line is 3 feet 6 inches, thus how does the neighbour believe the owner's covered porch is affecting her. Lisa claimed it creates shade in her backyard, she is forced to put up blinds from her kitchen window next to where her and her family eat, as the covered porch is all they see, as it is a very large add on. Lisa showed the committee the pictures of her view of the covered porch from her kitchen window. Chair Kluge asked if she is seeing people from her kitchen window on the covered porch. She claimed she is not, but the structure is quite big.

Owner of the subject property, Jeanie Taylor claimed her structure is completely allowable. There is nothing on it, as it is now completed as Lisa the neighbour reporting them to the Town.

### **BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-105/M) for 752 Robertson Crescent in the Town of Milton **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.

**Carried**

**5.9 A23-107/M - 995 Dice Way**

Owner, Parus Khushk, address: 995 Dice Way 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 (A23-107/M) for 995 Dice Way in the Town of Milton **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.

**Carried**

**5.10 A23-109/M - 1599 Severn Drive**

Harjinder Singh, agent for the applicant, address: 28-2355 Derry Road East Mississauga provided an overview of the application.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-109/M) for 1599 Severn Drive 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 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.

**Carried**

#### **5.11 A23-110/M - 324 Kingsleigh Court**

Harinder Singh, agent for the applicant, address: 28-2355 Derry Road East Mississauga provided an overview of the application.

##### **Questions to Agent Harinder Singh**

Member Ellahi asked if the agent could confirm if the site plan is correct, meaning the hard surface is going up to the North lines. Agent Singh stated as per the current conditions it is up to the lot line on the left side, and they are proposing the 8.25 on the right near the porch area, and the soft landscape on the left would stay. Member Ellahi asked for the agent to clarify if there is no softscape between the property line and starting point of the driveway. Agent Singh stated on the left side line there is currently no softscape. Member Ellahi asked if that means if the application is approved there will be a 0.6 metre softscape area between the driveway and the property line. Agent Singh claimed this is correct, if it is required as per the Town's zoning By-law.

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

Member Ellahi inquired if the site plan is correct, as it states the setback is going to be up until the property line. Town Planner Suffern stated the added hardscape is towards the interior of the lot, the driveway towards

the interior lot line is existing, there isn't a 0.6 preamble surface as it exists today, therefore it is considered a legal non-conforming situation. If the owners extended it further the Town would then apply the Zoning By-law because its existing and pre-dates the current provisions within the By-law. In this instance, it is not something the Town would flag. Otherwise, if the owners were re-doing the whole driveway the Town would require that setback.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-110/M) for 324 Kingsleigh Court in the Town of Milton **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.

**Carried**

**5.12 A23-111/M - 813 Aspen Terrace**

George Sedra, agent for the applicant, address: 189 Queen Street East Cambridge 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 (A23-111/M) for 813 Aspen 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 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.

**Carried**

### **5.13 A23-114/M - 271 Sydney Street**

Stephanie Matveeva, agent for the applicant, address: 700-100 Kingsbridge Garden Circle provided an overview of the application.

#### **Questions to Agent Stephanie Matveeva**

Member Ellahi asked if agent Matveeva could confirm if there is also a powder room in the garage, belong to the dwelling unit that is going to occupy the garage. Agent Matveeva stated the proposed garage would provide additional parking spaces for the dwelling unit as well as occupants of the existing dwelling. The existing dwelling has an integrated garage. The proposed garage structure would have the two integrated garage spaces, to largely recognize existing conditions because those two parking spaces already exist. Thus, it would serve the additional residential unit. Member Ellahi then asked for clarification if one of the parking garages is going to serve the additional residential unit and the second garage is for the principal residential unit. Agent Matveeva claimed this is correct.

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

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-114/M) for 271 Sydney Street in the Town of Milton **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.

**Carried**

**6. NEXT MEETING**

Thursday, January 25, 2024, commencing at 6:00 p.m.

**7. ADJOURNMENT**

There being no further business to discuss the Chair adjourned the meeting at 7:14 p.m.

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Serena Graci, Secretary Treasurer





## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-117M 104 Robert Street

#### General Description of Application:

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

- To allow the maximum permitted lot coverage for a lot greater than 830 square metres to be 37%, a difference of + 17%.

The subject property is known municipally as 104 Robert Street and located on the corner of Robert Street and Bell Street. At this time, the subject property contains a single-detached dwelling which is being used as a duplex and will be demolished. The applicant is proposing to build a new single-detached dwelling.

Planning staff met with the owners to discuss the proposed development during the pre-submission process. The owners did revise the proposed development and eliminated two other variance requests which were proposing an increase in the height for the proposed dwelling as well as recognizing a decreased front yard setback. Planning staff did encourage the applicant to reduce the lot coverage but the applicant has proceeded with the original request of an increase of 17%.

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

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

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

The Official Plan policies intend for Mature Neighbourhood Areas around the Central Business District to remain relatively stable so far as built form and urban design. The policies specify that in these areas, infill and development must be compatible with and respectful of the existing neighbourhood character.

There are a number of sections of the Official Plan that speak to ensuring that development within the Mature Neighbourhood areas shall be sympathetic to the surrounding area and proposed development shall incorporate scale, massing, building

height as well as other characteristics prevalent in the area. Further, Section 5.8.3.2 of the Official Plan does state that minor variance applications for development within the Mature Neighbourhood Areas shall be evaluated based on the following additional criteria: a) that the scale, massing, building height, built form features and coverage are compatible with and respectful of the existing character of the Area; and b) that the impacts on adjacent properties are minimized.

It is Staff's opinion that the proposal is not in conformity with the Town of Milton Official Plan. The proposed increase in lot coverage is not fitting with the surrounding neighbourhood or Mature Neighbourhood area.

### **Zoning:**

The subject lands are zoned Residential Low Density 1 (RLD1) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD1 zone permits a variety of residential uses, including detached dwellings.

Section 6.2 Table 6B (\*1) of the Town's Zoning By-law states that the maximum permitted lot coverage for a lot greater than 830 square metres is 20%. The applicant has requested permission to allow the maximum permitted lot coverage for a lot greater than 830 square metres to be 37%, an increase of 17%, to facilitate the proposed development.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on January 10, 2024. As of the writing of this report on January 17, 2024 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.

Town Engineering did confirm that a Detailed Grading Plan, Stormwater Management Brief and a Road Occupancy Entrance Permit will be required as part of the Building Permit process.

Urban Design staff did review the application as part of the pre-submission process and provided the applicant with comments to improve the proposed design and scale of the dwelling. Staff had noted that consideration needed to be placed on how the proposed dwelling fits into the streetscape of Robert Street and Bell Street to ensure that it meets conformity with the Town's urban design and character area policies. Further, Urban Design staff did provide comments regarding concerns that the proposed lot coverage was not consistent with the findings of the Mature Neighbourhood Character Study.

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

The applicant has requested a minor variance to facilitate the construction of a proposed detached dwelling. The subject property currently contains a single-detached dwelling which will be demolished.

As noted above, Town staff did meet with the applicant to discuss the proposed development and expressed concerns regarding the requested increase in lot coverage. The proposal was revised however, Town staff did inform the applicant that the proposed development did not meet the four tests of a minor variance and could not provide support.

The applicant has requested permission to allow the maximum permitted lot coverage for a lot greater than 830 square metres to be 37%, an increase of 17%, to facilitate the proposed development. Planning staff are of the opinion that the scale and size of the proposed dwelling and the required increase in lot coverage is considered overdevelopment on the subject property and not minor in nature. Further, staff are of the opinion that the proposed increase in lot coverage does not maintain the policies of the Official Plan and specifically, the Mature Neighbourhood Character Study.

The Mature Neighbourhood Character Study included an examination of existing lot coverages in the area and the minimum lot coverage provisions based on the size of the lot was incorporated into the Zoning By-law through this Study. The Mature Neighbourhood Character Study was initiated by Council to address resident concerns regarding new development meeting the existing character of the mature neighbourhoods. During the Study, a number of residents voiced concerns that many new developments were out of scale and design with the existing neighbourhoods. Urban Design staff worked on the Study for a lengthy period to ensure that the findings informed the amendments to the Official Plan and Zoning By-law with the goal of protecting the Character Area.

The proposed increase in lot coverage is not minor in nature nor in keeping with the goals of the Mature Neighbourhood Character Study and the resultant zoning provisions. The Study does confirm that the average lot coverage in the Victoria Park Neighbourhood is 24.7% which is significantly lower than the requested increase required to facilitate the proposed development.

Further, Planning staff are concerned about the scale of the home and the impact of the façade as it will be featured on the corner of Robert Street and Bell Street. Due to the corner lot location, the impact of the side of the dwelling will be quite substantial along Robert Street.

Planning staff have reviewed the requested variance and recommend refusal. Planning staff are of the opinion that the requested variance does not conform to the general intent of the Official Plan and Zoning By-law and is not desirable for the development and use of the subject property. Further, staff are also of the opinion that the requested increase in lot coverage is not minor in nature.

**Recommendation:**

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

Taylor Wellings

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

January 17, 2024



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-108M 1158 Raspberry 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 2.64 metres, a difference of - 0.11 metres per parking space

The subject property is known municipally as 1158 Raspberry Terrace and is located on the north west corner of Raspberry Terrace and Kennedy Circle West. 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\*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 m<sup>2</sup>.

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

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

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on January 10, 2024. As of the writing of this report on January 17, 2024, 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 - 0.11 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces.

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

It should also be noted that the accessory apartment will be accessed through an entrance in the rear yard and the external character of the single-detached dwelling will not be negatively impacted.

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.

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 side yards and have it 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 Shivang Tarika 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 a portion of both side yard interlocking pavement be removed and sod be placed to the satisfaction of the Town of Milton.
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

January 17, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-118M 409 Boyd Lane

#### General Description of Application:

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

- To allow the width of the residential driveway to be 2.55 metres, a difference of - 0.2 metres per parking space.

The subject property is known municipally as 409 Boyd Lane and is located near the Boyd Lane and Violet Gate. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings.

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

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

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\*269) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*269 zone permits a variety of residential uses, including detached and townhouse dwellings. The by-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria:

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

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

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting permission to allow a minimum size of a parking space on a residential driveway to be a width of 2.55 metres, a difference of -0.2 metres per parking space, to facilitate the proposal.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on January 10, 2024. As of the writing of this report on January 17, 2024, 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 - 0.2 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.

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 Noble Prime Solutions Ltd. date stamped by Town Zoning on January 5, 2023.
2. That a building permit application be obtained within two (2) years from the date of this decision.
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP

Planner, Development Review  
January 17, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-119M 497 Boyd Lane

#### General Description of Application:

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

- To allow the width of the residential driveway to be 2.52 metres, a difference of - 0.25 metres per parking space.

The subject property is known municipally as 497 Boyd Lane and is located on the north side of Boyd Lane near the corner of Boyd Lane and Violet Gate. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings.

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

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

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\*269) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*269 zone permits a variety of residential uses, including detached and townhouse dwellings. The by-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria:

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

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

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting permission to allow a minimum size of a parking space on a residential driveway to be a width of 2.52 metres, a difference of - 0.25 metres per parking space, to facilitate the proposal.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on January 10, 2024. As of the writing of this report on January 17, 2024, 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 - 0.25 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.

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 Noble Prime Solutions Ltd. date stamped by Town Zoning on December 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

January 17, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A-23/120/M 11319 Derry Road

#### 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 10% of the gross floor area for an industrial use, warehouse/distribution centre, and wholesale operation, whereas a minimum of 15% of the gross floor area or 929.03 square metres, whichever is greater, is required.

The subject property is known municipally as 11319 Derry Road and is legally described as Part of Block 6 on Registered Plan 20M-1259. The property is located on the north side of Derry Road east of James Snow Parkway, in an employment area known as Derry Green.

The Owner is in the process of constructing an industrial/business park consisting of 3 buildings. The subject variance has been requested for one of the buildings fronting onto Derry Road, with a gross floor area of 14,198 square metre (152,828 square feet). The subject building is under construction.

#### 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 minimum office component to 10% from 15% for industrial, warehouse/distribution centre, and wholesale operation uses. This results in a total office area of 1,419.80 square metres (15,282.60 square feet) for the industrial building, whereas 2,129 square metres (22,923.90 square feet) is currently required.

A minimum required office space component of 10% of the gross floor area for industrial, warehouse/distribution centre, and wholesale operation uses is consistent with other developments in the Derry Green Secondary Plan area, with the same policy framework as the subject lands. Further reductions under the minimum required 10% of office component however, have not been supported by Planning staff. It is staff's opinion that a minimum of 10% of the building floor area for industrial, warehouse/distribution centre, and wholesale operation uses must be maintained to remain consistent with the Official Plan, which states that light industrial are only permitted provided that they have significant office component.

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

### **Zoning:**

The subject lands are zoned Business Park with site specific provisions (M1\*297). 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 13.1.1.297 C.1) i) and j) state that;

A minimum of fifteen percent (15%) or 929.03 square metres of gross floor area, which ever is greater, for an Industrial Use, Warehouse / Distribution Centre and a Wholesale Operation shall be dedicated to the office component for such use.

The applicant has requested a variance to reduce the minimum office component to 10% of the gross floor area for an Industrial Use, Warehouse/Distribution Centre and Wholesale Operation. (A reduction of 5% of the building floor area).

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, January 10, 2024. As of the writing of this report on, January 17, 2024, 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 variance to reduce the minimum office component to 10% of the gross floor area for an Industrial Use, Warehouse/Distribution Centre and Wholesale Operation. The variance has been requested for one building, with a gross floor area of 14,198 square metre (152,828 square feet).

The proposed variance results in a total office area of 1,419.80 square metres (15,282.60 square feet) for the industrial building, whereas 2,129 square metres (22,923.90 square feet) is currently required.

The intent of the minimum office component requirement in the Zoning By-law is to implement the policies of the Official Plan, which require a “significant office component” for light industrial uses. Staff have determined through the review of multiple development applications within the Derry Green Secondary Plan area, that a minimum required office space component of 10% of the gross floor area for industrial, warehouse/distribution centre, and wholesale operation uses is appropriate and maintains the intent of the Official Plan. Further reductions under the minimum required 10% of office component however, have not been supported by Planning staff.

For these reasons, it is staff’s opinion that the proposed variance is minor in nature, meets the intent of the Official Plan and Zoning By-law, and is desirable for the lands.

**Recommendation:**

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

**Natalie Stopar**

Natalie Stopar, MCIP, RPP  
Planner, Development Review

January 17, 2024



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-120M 959 Cherry 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 a secondary dwelling unit:

- To allow the width of the residential driveway to be 2.55 metres, a difference of - 0.2 metres per parking space.

The subject property is known municipally as 959 Cherry Court and is located on the south corner of Cherry Court. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings.

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

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

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 m<sup>2</sup>.

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

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting permission to allow a minimum size of a parking space on a residential driveway to be a width of 2.55 metres, a difference of -0.2 metres per parking space, to facilitate the proposal.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on January 10, 2024. As of the writing of this report on January 17, 2024, 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 - 0.2 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.

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 Blue Prints Permit date stamped by Town Zoning on December 8, 2023.
2. That a building permit application be obtained within two (2) years from the date of this decision.
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP

Planner, Development Review  
January 17, 2023