



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

Thursday, February 22, 2024, 6:00 p.m.
Council Chambers - In Person

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

	Pages
1. AGENDA ANNOUNCEMENTS / AMENDMENTS	
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Minutes of Committee of Adjustment Hearing held on January 25, 2024.	
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6.1 B21-005/M, B21-006/M, B21-007/M - 11179 Guelph Line	10
Consents are being requested to facilitate the creation of three (3) new lots for residential use.	
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Minor variances are being requested to reduce the minimum required lot size for the three (3) proposed lots.	
6.3 A24-001/M - 35 Hugh Street	23
A minor variance is being requested to expand the existing office use (accounting) on site by adding a one-storey addition to the existing structure. The existing detached garage is proposed to be removed and the parking area re-configured to accommodate the required parking spaces.	
6.4 A24-002/M - 545 Kennedy Circle West	28
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 within the garage and two parking spaces on the driveway.	

6.5 A24-003/M - 405 Boyd Lane 31
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 within the garage and two parking spaces on the driveway.

6.6 A24-004/M - 8773 Milborough Line 34
A minor variance is being requested to construct a second accessory structure on site. The applicant has confirmed that the structure will only be for personal use.

7. NEXT MEETING

Thursday, March 28, 2024, commencing at 6:00 p.m.

8. ADJOURNMENT



The Corporation of the
Town of Milton
Committee of Adjustment Minutes

January 25, 2024, 6:00 p.m.

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

Members Absent: Christopher Trombino

Staff Present: Greta Susa, Serena Graci, 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

There were no agenda announcements/amendments.

2. DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. MINUTES

Minutes of Committee of Adjustment Hearing held on December 14, 2023.

BE IT RESOLVED THAT

1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, December 14, 2023 **BE APPROVED.**

Carried

4. HOUSEKEEPING ITEMS

Chair Kluge provided an overview of the housekeeping items.

5. ITEMS FOR CONSIDERATION

5.1 A23-117M - 104 Robert Street

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

Public Participation

James Coey, address: 67 Robert Street claimed he would like to voice his support for the minor variance presented before the committee. He stated he too had to go before the committee of adjustments because even though he had a five-bedroom house in New Milton, there was not enough parking spots. He is also familiar with the house the applicant originally built, and it fits within the architecture of Milton.

Nicola Gillio, address: 83 John Street claimed he built his house three years ago and also had to apply for a minor variance through the committee of adjustment, he has four children who are all in university and all have cars, which in his case there also wasn't enough parking. Furthermore, he supports the applicants new built based on the size of the applicant's family. He also states the corner lot needs to be re-developed as it's become an eye-sore to the entire town, and he would like to see that area further develop into a particular character.

The applicant, Chris Smith, address: 29 Barton Street, expressed how much the property means to himself and his family. His wife's father was born in the home and there is nothing they would like to do more than honour the neighbourhood and heritage of the home, by building something that is appropriate for the neighbourhood. Upon working with agent Jeff Jansen, he claimed he is interested in building a heritage looking home that fits well into the neighbourhood. Furthermore, all of the design pictures that were given to agent Jeff Jansen for a concept perspective were taken from Victoria Street.

Peter Muley, address: 40 King Street, stated his father bought the subject property in 1954. He claimed his daughter (applicant) is very keen in keeping the old Milton look, however it does need a little bit of revamping. What they want to do is keep the style and ambiance in the family name and he is very supportive of the plan the applicants (his daughter and son-in-law) want to execute.

Questions to Town Planner Taylor Wellings

Member Ellahi inquired if this is the final design that has come forward to the committee of adjustment or has there been prior designs submitted.

Town Planner Wellings claimed this is the original design they did see, when she met with the applicant back in November. The applicants did go back and forth with the Town about revising the design, but ultimately they choose to go ahead with the original design.

Agent Jeff Jansen stated they worked with Town staff on this particular proposal, and when they presented the original design to the Town, they weren't supportive of the lot coverage. The applicants went back to the town, and took off the rear porch in their design, their lot coverage still exceeded 10% of what is permitted, and the Town was still not in favour of the adjusted design. The applicant was upset that the Town was still not in favour of their design, and ultimately went back to their original design with the rear covered porch, which is why they are here today requesting for an increase of 17% lot coverage.

Member Jayaveer inquired what was planning staff's suggestions for reducing the lot coverage. Town Planner Wellings stated her first suggestion was to scale the home back. It is not the rear and front porches she is concerned about, rather it is the scale and size of the home for the lot itself, and it being in a corner lot. She reiterated Agent Jansen's point, in which the owners were willing to scale back the porches, and remove the covered porch in the back, however despite those changes the proposal would have been a 10% lot coverage increase which she was not comfortable supporting.

Chair Kluge claimed he does not understand why covered porches are included in gross floor area. He spoke with Town Planner Wellings who explained to him the definition for gross floor area and coverage, and how basements aren't included in gross floor area and coverage, where he believes it should be. He stated he would like Town zoning to re-consider whether or not covered porches should be included within Lot coverage, especially in a heritage district where covered porches add so much more.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-117/M) for 104 Robert Street in the Town of Milton **BE DENIED.**

Carried

5.2 A23-108M - 1158 Raspberry 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 (A23-108/M) for 1158 Raspberry 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 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.

Carried

5.3 A23-118M 409 Boyd Lane

Agent for the applicant, Tanvir, address: 2131 Williams Parkway Brampton provided an overview of the application.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23- 118/M) for 409 Boyd Lane in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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

Carried

5.4 A23-119M 497 Boyd Lane

Agent for the applicant, Tanvir, address: 2131 Williams Parkway Brampton, provided an overview of the application.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23- 119/M) for 497 Boyd Lane in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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

5.5 A23-120 11319 Derry Road

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

Questions to Town Planner Natalie Stopar

Chair Kluge spoke about application similar to the subject application that came (different applicant) to the committee of adjustment and inquired if they were applying to reduce the office component to 5%, which the Town does not want to recommend approval for anything below 10%. Town Planner Stopar stated that this is a separate owner from the previous application, and that application heard at the last meeting was to reduce the office component down to 5%, which she was not in support of. The

lowest number the Town is willing to go to is 10%, which is what the applicant before us today has requested.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-120/M) for 11319 Derry Road in the Town of Milton **BE APPROVED.**

Carried

5.6 A23-121M 959 Cherry Court

Malav Shah, applicant for the agent, address: 83 Garth Massey Drive 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 (A23-121/M) for 959 Cherry 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 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.

Carried

6. NEXT MEETING

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

7. ADJOURNMENT

There being no further business to discuss the Chair adjourned the meeting at 6:38 p.m.

Serena Graci, Secretary Treasurer



Memorandum to Committee of Adjustment Members

Consent Applications: B-21/005, B21-/006, B-21/007 11179 Guelph Line

General Description of the Applications:

The Town of Milton has received three consent applications for 11179 Guelph Line to facilitate the creation of three (3) new lots for residential use. It is the intention of the applicant to retain the existing single-detached dwelling and detached garage, shown as Part 2 on Survey Sketch with a lot area of 10,437 square metres. The proposed three (3) lots to be severed are shown as Part 1, Parts 3,6 and 7, and Part 4 on the Survey Sketch, and have lot areas of 5,471 square metres, 5,059 square metres, and 5,332 square metres respectively.

The description of the lands to be severed and retained is as follows:

Lot	Description	Part on Survey Sketch	Proposed Lot Area
Lot 1	Severed	Part 1	5,471 sq.m.
Lot 2	Retained	Part 2	10,437 sq.m.
Lot 3	Severed	Parts 3, 6, and 7	5,059 sq.m.
Lot 4	Severed	Part 4	5,332 sq.m.

The survey sketch additionally includes a road widening along Guelph Line (shown as Part 5).

The applicant has submitted the following documents in support of the application:

- Archaeological Assessment Report, dated Sept 11, 2020;
- Heritage Impact Assessment, prepared by Unterman McPhail Associates and dated April 2021;
- Sightline Review, prepared by Paradigm Transportation Solutions Ltd and dated August 24, 2020;
- Consent Sketch, prepared by J.D. Barnes and dated October 30, 2023;
- Description of Lands to Severed, prepared by Strategy 4 and dated November 8, 2023;
- Well Test, dated September 28, 2023
- Stage 1 Hydrogeology Study, prepared by Hydrogeology Consulting Services and dated November 30, 2023.

Location:

The subject lands are known municipally as 11179 Guelph Line, and are located on Guelph Line across from Blacklock Street in the Hamlet of Brockville. The property currently contains a 2 storey single detached dwelling and a detached garage. The single detached dwelling is a listed heritage building. The surrounding land uses are predominately single detached dwellings on large lots.

Provincial Policy:

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 1.1.1 states that healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term and
- b) accommodating an appropriate range of and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs.

Section 1.1.3 states that settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets and Section 1.1.3.1 states that settlement areas shall be the focus of growth and development.

Furthermore, Section 1.6.6 of the PPS includes policies related to Sewage, Water, and Stormwater. Subsection 1.6.6.4 states that where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Subsection 1.6.6.5 further states that partial services within settlement areas can be permitted provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Regional staff have confirmed that the proposed development is not in compliance with the Regional Guidelines for Hydrogeological Studies & Best Management Practices for Groundwater Protection. As the proposed site servicing is not consistent with these guidelines and has the potential to create negative impacts, the Region is of the opinion that the proposed application is inconsistent with the PPS.

It is Planning staff's opinion that the proposed applications do not conform with the Provincial Policy Statement.

Growth Plan (2019)

A Place to Grow, the Growth Plan for the Greater Golden Horseshoe (2019) encourages the better use of land and infrastructure by directing growth to settlement areas (including hamlets) and prioritizing intensification. Policy 2.2.1 b of the plan states that growth will be limited in settlement areas that are rural settlements and are not serviced by existing or planned municipal water and wastewater systems.

It is Planning staff's opinion that the proposed applications do not conform with the Growth Plan as sufficient site servicing cannot be provided in accordance with Halton Region Guidelines.

Greenbelt Plan (2017)

The subject property is additionally designated as a Town/Village in the Protected Countryside of the Greenbelt Plan. The Greenbelt policies state that Towns/Villages shall be subject to the policies of the Growth Plan and local Official Plans and are not subject to the policies of the Greenbelt Plan, with some exceptions.

It is Planning staff's opinion that the proposed applications conform with the Greenbelt Plan.

Region of Halton Official Plan (2009):

The subject lands are designated as Hamlet (Brookville Hamlet) in the Region of Halton Official Plan.

Section 103 Plan states that Hamlets are compact rural communities designated to accommodate future residential growth in the rural area and small scale industrial, commercial and institutional uses serving the farming and rural communities.

Section 67 and 105 of Plan states that new lots may be created in Hamlets provided that they conform to the policies of the Regional Official Plan and Local Official Plans and to an approved Area-Specific Plan. Any development with three or more residential lots or their equivalent will require the preparation of a hydrogeological study in accordance with the Region's Guidelines for Hydrogeological Studies and Best Management Practices for Groundwater Protection and to the satisfaction of the Region and the Ministry of the Environment or its delegate.

The Regional Guidelines for Hydrogeological Studies & Best Management Practices for Groundwater Protection have been prepared in accordance with the Region of Halton Official Plan, and have been endorsed by Regional Council.

Regional staff have reviewed and peer reviewed the Stage 1 Hydrogeological Study by prepared by HCS Inc. and dated November 30, 2022. Based on their review, the Region has concluded that while the Region does not object to lot creation on this site, the Region cannot support the development as presently proposed, as each lot is not considered to be 'self-sustaining' as per the Halton Region Guidelines.

Town of Milton Official Plan Designation:

The subject property is designated "Hamlet" Area on Schedules 1 & A and "Hamlet Commercial" on schedule C.4.A of the Town of Milton Official Plan. The Hamlet and Hamlet Commercial designations permit a variety of residential and convenience commercial uses which are intended to provide services to local residents.

Section 2.1.3.3 states that within the rural area, the Town's three Hamlet Areas (Campbellville, Brookville and Moffat) will continue to be the focus of settlement, providing limited opportunities for development, and that growth beyond the existing Hamlet Area boundaries is prohibited.

Section 2.6.3.35 states that all necessary Regional approvals for Hamlet Area Wastewater and Water facilities must be obtained in order for development to proceed.

Section 4.5.3.2 d) states that Development within areas designated Hamlet Area shall only be permitted subject to approval of all private wastewater and water facilities by the Region of Halton.

Section 5.7.3.7 indicates that a consent should only be considered where a plan of subdivision is deemed to be unnecessary and where the application conforms with the policies of this Official Plan. It is the opinion of staff that the proposed creation of a new lot does not warrant a Plan of Subdivision.

Section 5.7.3.10 outlines general policies which shall be utilized for evaluating consent applications including road access, lot access, and wastewater and waterservices.

Lastly, the lands are identified in the Hamlet of Brookville Secondary Plan. Section C.4.1.5 states that the minimum net lot size for new development shall be in accordance with the Hydrogeological Investigation for the Hamlet of Brookville (1982), specifically 0.5 ha., and may be increased should the site conditions and proposed uses so warrant.

While additional lots and intensification is contemplated in the Hamlet Areas as defined in the Town of Milton Official Plan, the subject application has not demonstrated to the satisfaction of Halton Region that the proposed private wastewater facilities are appropriate to service the proposed lots. For these reasons, it is Planning Staff's opinion that the proposal is not in conformity with the Town of Milton Official Plan, as amended.

Zoning:

The subject lands are currently zoned Hamlet Commercial (C4) Zone under the Town of Milton Zoning By-law 144-2003, as amended. This zone permits residential uses including single detached dwellings provided that the performance standards of the zone can be met.

Section 7.2, Table 7D of the Zoning By-law requires a minimum lot area of 6,000 square metres. The applicant has proposed for the three new lots to have lot sizes of 5,471 square metres (Part 1), 5,059 square metres (Parts 3,6,7), and 5,332 square metres (Part 4).

A minor variance application (Town File: A23-116M) has been submitted to reduce the minimum required lot size for the 3 proposed lots.

As no building concepts are being proposed through this application, any future buildings will need to be evaluated for compliance with the Zoning By-law through a future Building Permit applications.

Consultation

Public Consultation

These consent applications were circulated in accordance with all requirements of the Planning Act, to all property owners within 120 metres of the property on May 27, 2021 and June 17, 2021. The public notice was circulated twice to residents due to an administrative error by Town Staff. No changes to the subject applications were made at that time.

The Town received 12 written public comments in opposition to the proposed development. The public comments provided identified the following concerns:

- Changes to the existing stone heritage house;
- Hazards from construction and additional traffic on the existing community, children, park, and school.
- Impact on the character or the neighbourhood;
- Impact on the community's water supply including wells and water pressure;
- Impact on wildlife;
- Increased traffic on Guelph Line;
- Loss of trees and greenspace;
- Lot is too small to be severed; and
- Setting a precedent for future developments.

Notice for the Committee of Adjustment hearing was provided pursuant to the *Planning Act* on, February 7, 2024. As of the writing of this report on, February 14, 2024 no additional public comments were received.

Agency Consultation

The following comments were received from Town Staff and External Agencies:

Halton Region

Halton Region has reviewed the subject consent applications and has identified concerns regarding wastewater servicing. In accordance with Provincial, Regional, and Town of Milton policies, Regional approvals must be obtained for all wastewater and water facilities in order for development to proceed.

Halton Region has identified that the proposed site servicing must be evaluated in accordance with Region's Hydrogeological Studies and Best Management Practices for Groundwater Protection Guidelines (Regional Guidelines), which contain Halton's requirements for hydrogeological studies for development based on private water and sewage systems. Halton Region has identified that one of the objectives of the Regional Guidelines is to ensure that there is no need for human intervention and major technological fixes and monitoring by the Region or Town to ensure public health protection.

The applicant submitted a Stage 1 Hydrogeology Study in support of the application which recommends that a tertiary sanitary treatment system be used for the proposed lots. The study was reviewed by Halton Region staff and peer reviewed by the Region's Peer Reviewer. Regional staff concluded that the Regional Guidelines do not recognize tertiary treatment systems as they pertain to new lot creations. Instead a conventional system is assumed in order to ensure that in all circumstances, including in the case of the failure of a tertiary treatment system, that a lot is able to maintain self-sufficiency and meet the 10 mg/L nitrate standard for drinking water at the property line.

Based on the impact assessment provided, the calculated nitrate-nitrogen concentrations at the property limits for lot 1, lot 3 and lot 4 are above the Ontario Drinking Water Quality Standard (ODWQS) of 10 mg/L and therefore under the requirements of the Regional Guidelines. Halton Region staff notes that the lot sizes as proposed, pose a potential

health-risk to water well supply users down-gradient of the proposed development. It is for this reason that Halton Region does not support the subject consent applications.

Town of Milton Planning staff note that in addition to site servicing, the Region has provided the following transportation related comments:

Guelph Line Right-of-way Requirement

Any lands within 17.5m of the centreline of the original 66ft right-of-way of Guelph Line (Regional Road 1) that are part of the subject property shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements. This land dedication must be clearly illustrated and dimensioned on development plans.

All lands to be dedicated to the Regional Municipality of Halton shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of Title shall be provided in a form satisfactory to the Director of Legal Services or his/her designate.

Sightline Review

Transportation Planning has reviewed the Sightline Review submitted with the application. While Regional staff have no comments on the report, in order to implement a driveway to Part 3 to serve both Parts 3 and 4 as recommended in the sightline review, an easement is required on Part 3 to allow driveway access to Guelph Line for Part 4.

Entrance Permit

An entrance permit is required for each proposed driveway to Guelph Line. Detailed design drawings must accompany the access permit that illustrates the driveway works (width, radius, grades, mud mat, culvert width length and location, etc.) required within the Regional right-of-way.

Town Planning staff note that the applicant has revised the survey sketch to identify the required Regional Road Widening (shown as Part 5) and the right-of-way easement for Lots 3 and 4 (shown as part 6).

Conservation Halton Comments

Based on a review of our mapping, the subject property is not regulated by CH, and CH does not need to review this application.

Building Comments

1. No concerns from Building for the request to the reduced lot size.
2. The owner shall ensure that there is adequate space available on the parcel to support a potable well and suitably sized class 4 septic system to serve the future dwelling within the property limits, that is able to achieve the required setbacks as per the Ontario Building Code (Div. B. 8.2.1.6.).

Corporate Services (Finance) Comments

1. Regional development charges and educational development charges are applicable in accordance with the appropriate agency's policies and by-laws.

Town development charges and other charges are applicable on any future development in accordance with Town policies and by-laws and other applicable legislation. All development charge inquiries should be directed to DevelopmentFinance@milton.ca

2. Municipal property taxes must be current prior to approval. Inquiries with respect to property taxation should be directed to 905-864-4142 or taxes@milton.ca.

Parks and Facility Planning Comments

Parks planning staff confirmed that they have no concerns with the subject application. Details on parkland dedication and payment in lieu requirements were outlined in the comments.

Heritage Planning Comments

Please note that the Listed Heritage building on Lot Two is to be retained in the Heritage Register. If the opportunity is there, it might be worthwhile to ask the owner if he would like to voluntarily designate the existing heritage stone house.

The following agencies and staff had no concerns:

- Development Engineering
- Milton Hydro
- Bell Canada
- Milton Fire

Development Review Comments:

The Town of Milton has received three consent applications for 11179 Guelph Line to facilitate the creation of three (3) new lots for residential use. It is the intention of the applicant to retain the existing single-detached dwelling and detached garage, shown as Part 2 on the Survey Sketch, and sever 3 lots from the existing property. In addition to the consent applications, the applicant has submitted a minor variance application to reduced the minimum required lot size for the 3 proposed lots to 5,471 square metres, 5,059 square metres, and 5,332 square metres, whereas a minimum lot size of 6,000 square metres is required.

Planning staff note that Provincial, Regional and Local policies contemplate intensification including additional lots, within designated Hamlet areas. It is noted that the subject property is larger in size (2.67 hectares) and that some intensification on the lands may be appropriate.

The subject applications however, have not demonstrated to the satisfaction of Halton Region and the Town of Milton that the proposed lots can be adequately serviced, and that the proposed lots sizes are adequate to support the proposed development. For these reasons, it is Planning Staff's opinion that the proposal is not in conformity with Provincial Policy, the Halton Region Official Plan and the Town of Milton Official Plan.

Recommendation:

THAT the consent applications **BE DENIED**.

Natalie Stopar

Natalie Stopar, MCIP, RPP, BES, MPA
Planner, Development Review

February 14, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/116/M 11179 Guelph 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:

- A minimum lot area of 5,471 square metres for Lot 1 (shown as part 1);
 - A minimum lot area of 5,059 square metres for Lot 3 (shown as Parts 3,6 & 7); and
 - A minimum lot area of 5,332 square metres for Lot 4 (shown as Part 4);
- whereas a lot area of 6,000 square metres is required.

The subject lands are known municipally as 11179 Guelph Line, and are located on Guelph Line across from Blacklock Street in the Hamlet of Brockville. The property currently contains a 2 storey single detached dwelling and a detached garage. The single detached dwelling is a listed heritage building. The surrounding land uses are predominately single detached dwellings on large lots

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

The subject property is designated “Hamlet” Area on Schedules 1 & A and “Hamlet Commercial” on schedule C.4.A of the Town of Milton Official Plan. The Hamlet and Hamlet Commercial designations permit a variety of residential and convenience commercial uses which are intended to provide services to local residents.

Section 2.1.3.3 states that within the rural area, the Town’s three Hamlet Areas (Campbellville, Brookville and Moffat) will continue to be the focus of settlement, providing limited opportunities for development, and that growth beyond the existing Hamlet Area boundaries is prohibited.

Section 2.6.3.35 states that all necessary Regional approvals for Hamlet Area Wastewater and Water facilities must be obtained in order for development to proceed.

Section 4.5.3.2 d) states that Development within areas designated Hamlet Area shall only be permitted subject to approval of all private wastewater and water facilities by the Region of Halton.

Section 5.7.3.7 indicates that a consent should only be considered where a plan of subdivision is deemed to be unnecessary and where the application conforms with the policies of this Official Plan. It is the opinion of staff that the proposed creation of a new lot does not warrant a Plan of Subdivision.

Section 5.7.3.10 outlines general policies which shall be utilized for evaluating consent applications including road access, lot access, and wastewater and waterservices.

Lastly, the lands are identified in the Hamlet of Brookville Secondary Plan. Section C.4.1.5 states that the minimum net lot size for new development shall be in accordance with the Hydrogeological Investigation for the Hamlet of Brookville (1982), specifically 0.5 ha., and may be increased should the site conditions and proposed uses so warrant.

While additional lots and intensification is contemplated in the Hamlet Areas as defined in the Town of Milton Official Plan, the subject application has not demonstrated to the satisfaction of Halton Region that the proposed private wastewater facilities are appropriate to service the proposed lots. For these reasons, it is Planning Staff's opinion that the proposal is not in conformity with the Town of Milton Official Plan, as amended.

Zoning:

The subject lands are currently zoned Hamlet Commercial (C4) Zone under the Town of Milton Zoning By-law 144-2003, as amended. This zone permits residential uses including single detached dwellings provided that the performance standards of the zone can be met.

Section 7.2, Table 7D of the Zoning By-law requires a minimum lot area of 6,000 square metres. The applicant has proposed for the three new lots to have lot sizes of 5,471 square metres (Part 1), 5,059 square metres (Parts 3,6,7), and 5,332 square metres (Part 4).

A minor variance application (Town File: A23-116M) has been submitted to reduce the minimum required lot size for the 3 proposed lots.

As no building concepts are being proposed through this application, any future buildings will need to be evaluated for compliance with the Zoning By-law through a future Building Permit applications.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, February 7, 2024. As of the writing of this report on, February 14, 2024, staff have not received any comments from members of the public on the minor variance application.

Planning staff note that the related consent applications (Town Files B21-005, B21-006, & B21-007) were circulated in accordance with all requirements of the Planning Act, to all property owners within 120 metres of the property on May 27, 2021 and June 17, 2021. The public notice was circulated twice to residents due to an administrative error by Town Staff. No changes to the subject applications were made at that time.

The Town received 12 written public comments in opposition to the proposed development. The public comments provided identified the following concerns:

- Changes to the existing stone heritage house;
- Hazards from construction and additional traffic on the existing community, children, park, and school.
- Impact on the character or the neighbourhood;
- Impact on the community's water supply including wells and water pressure;
- Impact on wildlife;

- Increased traffic on Guelph Line;
- Loss of trees and greenspace;
- Lot is too small to be severed; and
- Setting a precedent for future developments.

Agency Consultation

The following comments were received from Town Staff and External Agencies:

Halton Region

Halton Region has reviewed the subject minor variance application and related consent applications and has identified concerns regarding wastewater servicing. In accordance with Provincial, Regional, and Town of Milton policies, Regional approvals must be obtained for all wastewater and water facilities in order for development to proceed.

Halton Region has identified that the proposed site servicing must be evaluated in accordance with Region's Hydrogeological Studies and Best Management Practices for Groundwater Protection Guidelines (Regional Guidelines), which contain Halton's requirements for hydrogeological studies for development based on private water and sewage systems. Halton Region has identified that one of the objectives of the Regional Guidelines is to ensure that there is no need for human intervention and major technological fixes and monitoring by the Region or Town to ensure public health protection.

The applicant submitted a Stage 1 Hydrogeology Study in support of the application which recommends that a tertiary sanitary treatment system be used for the proposed lots. The study was reviewed by Halton Region staff and peer reviewed by the Region's Peer Reviewer. Regional staff concluded that the Regional Guidelines do not recognize tertiary treatment systems as they pertain to new lot creations. Instead a conventional system is assumed in order to ensure that in all circumstances, including in the case of the failure of a tertiary treatment system, that a lot is able to maintain self-sufficiency and meet the 10 mg/L nitrate standard for drinking water at the property line.

Based on the impact assessment provided, the calculated nitrate-nitrogen concentrations at the property limits for lot 1, lot 3 and lot 4 are above the Ontario Drinking Water Quality Standard (ODWQS) of 10 mg/L and therefore under the requirements of the Regional Guidelines. Halton Region staff notes that the lot sizes as proposed, pose a potential health-risk to water well supply users down-gradient of the proposed development. If is for this reason that Halton Region does not support the subject consent and minor variance applications.

Town of Milton Planning staff note that the in addition to site servicing, the Region has provided the following transportation related comments:

Guelph Line Right-of-way Requirement

Any lands within 17.5m of the centreline of the original 66ft right-of-way of Guelph Line (Regional Road 1) that are part of the subject property shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements. This land dedication must be clearly illustrated and dimensioned on development plans.

All lands to be dedicated to the Regional Municipality of Halton shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of Title shall be provided in a form satisfactory to the Director of Legal Services or his/her designate.

Sightline Review

Transportation Planning has reviewed the Sightline Review submitted with the application. While Regional staff have no comments on the report, in order to implement a driveway to Part 3 to serve both Parts 3 and 4 as recommended in the sightline review, an easement is required on Part 3 to allow driveway access to Guelph Line for Part 4.

Entrance Permit

An entrance permit is required for each proposed driveway to Guelph Line. Detailed design drawings must accompany the access permit that illustrates the driveway works (width, radius, grades, mud mat, culvert width length and location, etc.) required within the Regional right-of-way.

Town Planning staff note that the applicant has revised the survey sketch to identify the required Regional Road Widening (shown as Part 5) and the right-of-way easement for Lots 3 and 4 (shown as part 6).

Conservation Halton Comments

Based on a review of our mapping, the subject property is not regulated by CH, and CH does not need to review this application.

Building Comments

1. No concerns from Building for the request to the reduced lot size.
2. The owner shall ensure that there is adequate space available on the parcel to support a potable well and suitably sized class 4 septic system to serve the future dwelling within the property limits, that is able to achieve the required setbacks as per the Ontario Building Code (Div. B. 8.2.1.6.).

Corporate Services (Finance) Comments

1. Regional development charges and educational development charges are applicable in accordance with the appropriate agency's policies and by-laws. Town development charges and other charges are applicable on any future development in accordance with Town policies and by-laws and other applicable legislation. All development charge inquiries should be directed to DevelopmentFinance@milton.ca
2. Municipal property taxes must be current prior to approval. Inquiries with respect to property taxation should be directed to 905-864-4142 or taxes@milton.ca.

Parks and Facility Planning Comments

Parks planning staff confirmed that they have no concerns with the subject application. Details on parkland dedication and payment in lieu requirements were outlined in the comments.

Heritage Planning Comments

Please note that the Listed Heritage building on Lot Two is to be retained in the Heritage Register. If the opportunity is there, it might be worthwhile to ask the owner if he would like to voluntarily designate the existing heritage stone house.

The following agencies and staff had no concerns:

- Development Engineering
- Milton Hydro
- Bell Canada
- Milton Fire

Development Review Comments:

The Town of Milton has received three consent applications for 11179 Guelph Line to facilitate the creation of three (3) new lots for residential use. It is the intention of the applicant to retain the existing single-detached dwelling and detached garage, shown as Part 2 on the Survey Sketch, and sever 3 lots from the existing property. In addition to the consent applications, the applicant has submitted a minor variance application to reduced the minimum required lot size for the 3 proposed lots to 5,471 square metres, 5,059 square metres, and 5,332 square metres, whereas a minimum lot size of 6,000 square metres is required.

Planning staff note that Provincial, Regional and Local policies contemplate intensification including additional lots, within designated Hamlet areas. It is noted that the subject property is larger in size (2.67 hectares) and that some intensification on the lands may be appropriate.

The subject applications however, have not demonstrated to the satisfaction of Halton Region and the Town of Milton that the proposed lots can be adequately serviced, and that the proposed lots sizes are adequate to support the proposed development. For these reasons, it is Planning Staff's opinion that the proposal is not in conformity with Provincial Policy, the Halton Region Official Plan and the Town of Milton Official Plan.

Recommendation:

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

Natalie Stopar

Natalie Stopar, MCIP, RPP
Planner, Development Review

February 14, 2024



Memorandum to Committee of Adjustment Members

Minor Variance Application: A24-001M - 35 Hugh Street

General Description of Application:

Under Section 45(2) of the *Planning Act*, the following has been requested to:

- Allow an expansion of a Legal Non-Conforming Use, being an office use within the Residential Low Density I (RLD1) Zone.

The subject property is known municipally as 35 Hugh Street and is legally described as Part of Lots 1 and 2, Block 11 on Foster Survey. The property is located at the south-east corner of Mary Street and Hugh Street. Surrounding land uses include low-density residential and commercial.

The applicant intends to expand the existing office use (accounting) on site by adding a one-storey addition to the existing structure. The existing detached garage is proposed to be removed and the parking area re-configured to accommodate the required parking spaces.

The existing office use is considered legal non-conforming as it existed before the date on which the current Zoning By-law took effect; as such, the current Zoning By-law provisions do not apply to the site and any expansion or alteration is considered through the Section 45 (2) (a) (i) of the Planning Act.

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

The subject property is designated as Central Business District (CBD) on Schedule B - Urban Land Use Plan and further designated as Low Density Residential Sub-Area on Schedule C - Central Business District Land Use Plan. Permitted uses within the Low Density Residential Sub-Area designation include a range of low-density housing types and local commercial uses (including office), subject to Section 3.2.3.6.

Section 5.8.3.4 sets out criteria that must be met when evaluating an application to expand a legal non-conforming use:

“In accordance with the provisions of the Planning Act, Council may amend a by-law passed under Section 34 to permit the extension or enlargement of any land, building or structure prohibited by the Zoning By-law provided the following requirements are met.

- (a) It is not possible to relocate such a use to a place where it will conform to the By-law;
- (b) The proposed extension or enlargement will not unduly aggravate the situation already created by the existence of the use and should, if possible, be designed to alleviate adverse effects of the use such as outside storage;

- (c) The abutting uses will be afforded reasonable protection by the provision of appropriate buffering and setbacks;
- (d) The proposed extension or enlargement should be in appropriate proportion to the size of the non-conforming use;
- (e) Adequate provision will be made for safe access and adequate off-street parking and loading facilities; and
- (f) All services, including private sewage disposal and water supply systems, shall be or can be made adequate.

Section 5.8.3.5: The Town shall not be obligated to grant permission to extend or enlarge a non-conforming use under any circumstances.”

With respect to the Official Plan policies above, Planning Staff are of the opinion that the expansion of the office use will not further aggravate an existing situation given it doesn't intensify a land-use compatibility conflict and the physical addition is sympathetic to the existing built form and residential neighbourhood. Further, the structure maintains adequate setbacks from shared lot lines and the applicant is committed to enhancing landscape features in an effort to minimize the impact of the expansion, particularly where the parking area is proposed. Finally, the lot is municipally serviced, provides adequate on-site parking for the proposed gross floor area, and the addition is in proportion to what currently exists.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended, and further, meets the tests set-out in Section 5.8.3.4.

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. This zone permits a range of housing types (i.e. semi-detached and single detached), along with accessory uses.

Given that the office use was established prior to the date that the current Zoning By-law took effect, the permission is considered a legal non-conforming use. Section 4.15 of the Zoning By-law speaks to Legal Non-Conforming Uses and notes that:

“No land, building or structure shall be used except in conformity with the provisions of the By-law unless such use legally existed prior to the date of passing of this By-law and provided that it continues to be used uninterrupted for such purpose, and that such use, when originally established, was not contrary to a By-law passed under Section 34 of the Planning Act, R.S.O 1990, cP. 13 or a predecessor thereof that was in force at that time.”

Based on records, Planning Staff are satisfied that the use was existing prior to the date Urban Zoning By-law 016-2014, as amended, took effect.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, February 07, 2024. As of the writing of this report on, February 14, 2024, staff have received correspondence from one member of the public. The individual requested additional information on the

application and what constitutes a legal non-conforming use, along with requests that there be no negative drainage impacts.

Agency Consultation

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

The structure is a listed property on the Town's Heritage Register. As such, the Town's Heritage Planner reviewed the proposal at time of Site Plan Approval and offered no objection to the addition.

Similarly, Development Engineering was satisfied at time of Site Plan Approval with the Grading Plan and Stormwater Management Plan.

Planning and Development Department Comments:

The subject lands currently contain a single detached dwelling that is used as an accounting office and a detached garage (to be removed). The owner is seeking to expand their operations by providing additional office space, along with a dedicated parking area. A one-storey addition is proposed with a gross floor area of 59.1 square metres.

Planning Staff have evaluated the proposal through Section 45(2) (a) (i) of the Planning Act, in tandem with Section 5.8.3.4 of the Town's Official Plan, and offer no objection to the proposal. The proposed addition is sympathetic to the existing built-form of the heritage structure and surrounding residential area. Further, being as the addition is proposed to be a single-storey, the impact on adjacent lands so far as sightline is minimized.

The re-configuration of the parking area provides functional and safe parking for employees and clients while also adding enhanced landscaping along lot lines shared with adjacent residential properties in an effort to minimize disruption and sustain privacy. No tree removal is required to facilitate this proposal.

The addition is not expected to unduly aggravate the existing situation or create further impacts beyond what currently exists today.

Based on the aforementioned, Planning Staff are of the opinion that the proposal is consistent with the direction of Section 45(2) of the Planning Act and therefore offer no objection to the proposal.

Recommendation:

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

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

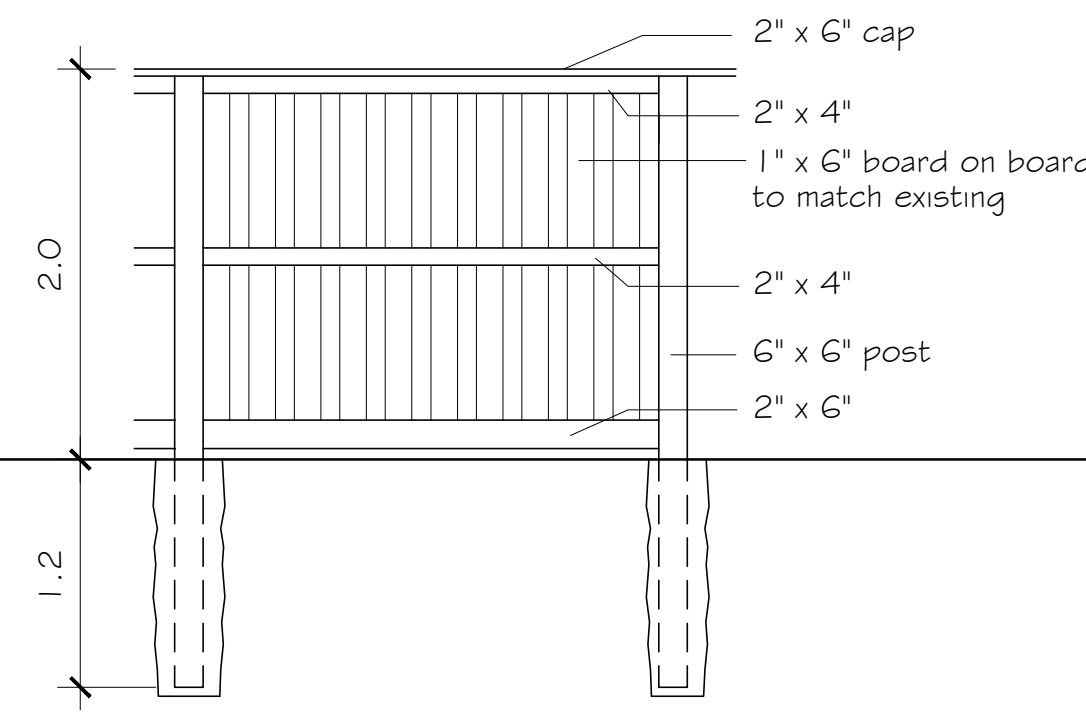
Rachel Suffern

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

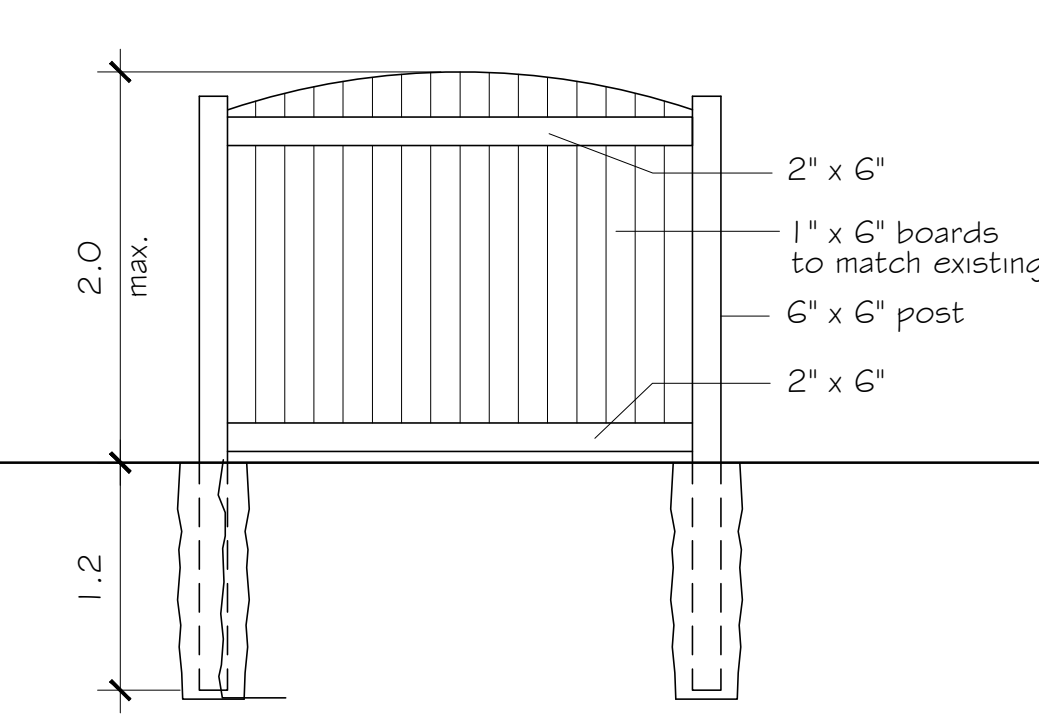
February 14, 2024

Notes

Tree protection hoarding to be installed before site works begin.
 Garbage is to be stored internally between pick-ups.
 No outdoor lighting fixtures are proposed for the parking area.



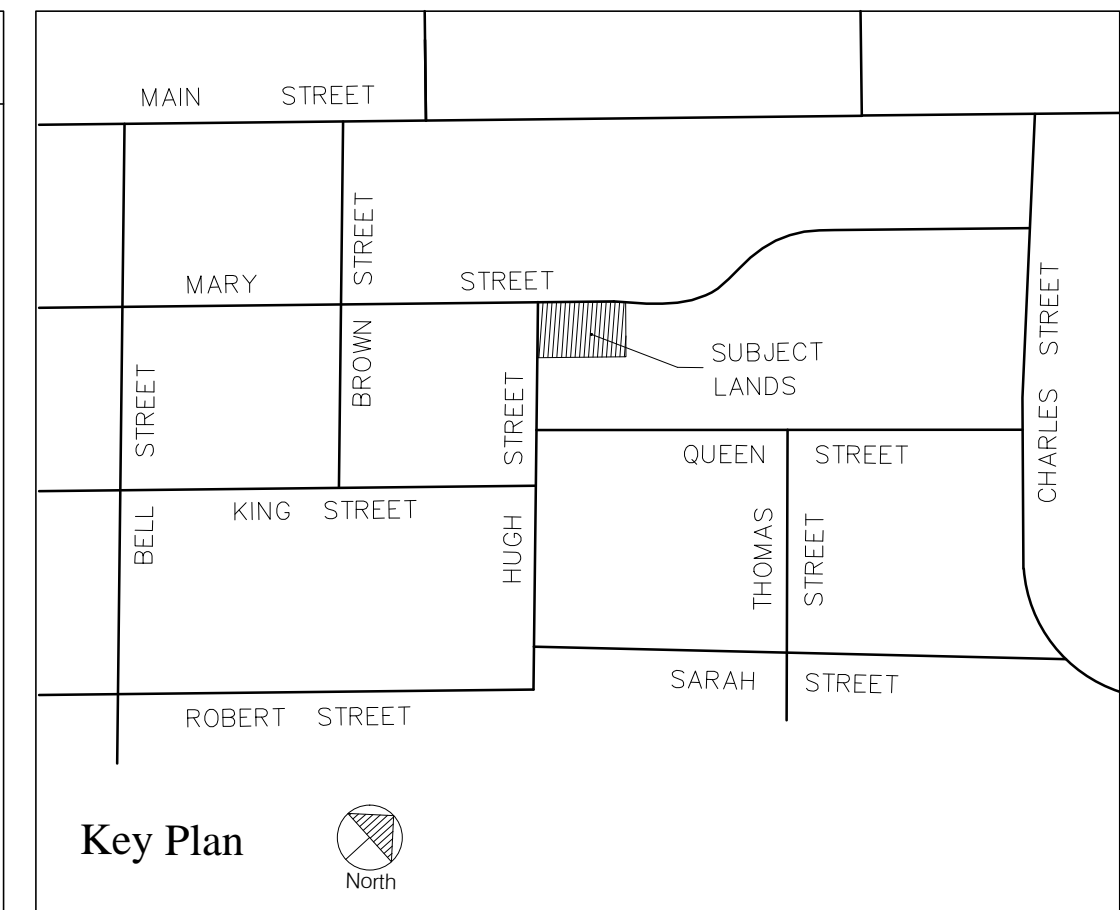
Fence Detail East



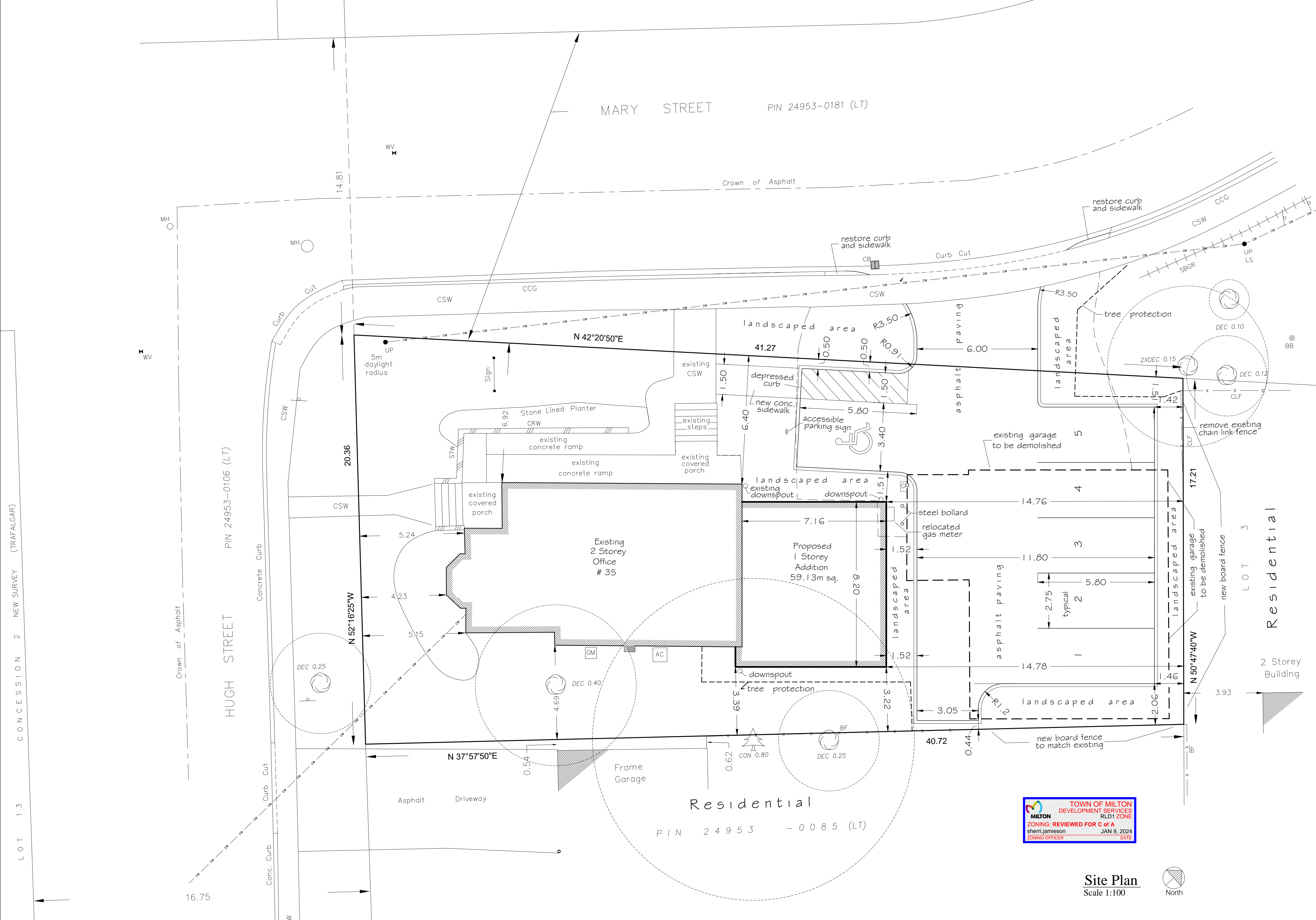
Fence Detail South

Site Statistics

Zoning Category	RLD1 Existing non-conforming use (Office)	
Lot Area	767.92 m sq.	
Ground Floor Area	Existing Office 118.8m sq. (garage to be demolished not included)	
	Proposed Addition 59.1m sq.	
	Total Lot Coverage 177.9m sq.	23.1% coverage
Gross Floor Area	Existing Office 205.8m sq.	
	Proposed Addition 59.1m sq.	
	Total G.F.A. 264.9m sq.	
Parking Spaces	5 Standard (5.8m x 2.75m)	1 Accessible (5.8m x 3.4m + 1.5m)
Percentage of lot covered by parking and lanes	27.27%	
Percentage of landscaped areas	49.38%	
Proposed Building Height	5.8m	



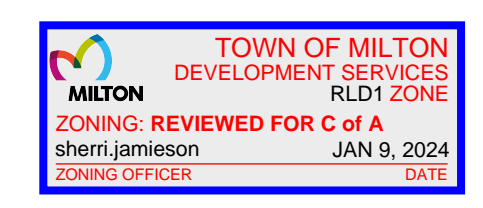
Date	Issued
25/10/2023	Site Plan Approval



Brian Williams
 Architect
 (Retired)
 176 Sarah Street
 Milton, Ontario L9T 1H2
 bwarchitect@cogeco.ca
 905 299 2807

Owner and Applicant
 Melissa Coulson
 RHMC Holdings Inc.
 35 Hugh Street, Milton L9T 2C7
 905 876 4633
 melissa@cct-cpa.ca

Addition to Offices of
 Coulson
 Thomson
 Turnbull
 35 Hugh Street, Milton L9T 2C7
 Part of Lots 1 & 2, Block 11
 Registered Plan 7
 Town of Milton



Site Plan
 Scale 1:100

No.	Date	Revision
A	16/10/2023	General as per Comments
Site Plan		
June 2023	SP-1	
Scale as Noted		



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-24/002/M 545 Kennedy Circle West

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:

- Permit two parking spaces to be a minimum of 2.56 metres wide by 5.5 metres long, whereas a parking space is required to be a minimum of 2.75 metres wide by 5.5 metres long (a decrease in the width by 0.19 metres for each space).

The subject property is known municipally as 545 Kennedy Circle West and is legally described as Lot 21 on Registered Plan 20M-1228. The property is located on the west side of Kennedy Circle West and north of Plum Place, in a low density residential neighbourhood.

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

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

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

Zoning:

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

- i. Only 1 accessory dwelling unit shall be permitted per lot and shall be located within the main dwelling unit;
- ii. A minimum of 1 parking space per accessory dwelling unit is provided in addition to the required parking for the main dwelling unit;
- iii. The dwelling must be on full municipal water and wastewater services; and,
- iv. The accessory dwelling unit shall not exceed a maximum size of 85m².

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 requires that the minimum size of a required parking space on a Residential Driveway shall be 2.75 metres wide by 5.5 metres in length. To accommodate two parking spaces on the driveway, the applicant has requested a reduction in the minimum parking space width to 2.56 metres (a reduction of 0.19 metres) for both parking spaces.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, February 7, 2024. As of the writing of this report on, February 14, 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 is seeking to construct an accessory dwelling unit within the basement of an existing detached dwelling. As required by the Zoning By-law, in order to accommodate the accessory apartment a minimum of 3 parking spaces must be provided (2 parking spaces for the main dwelling unit and 1 additional space for the accessory dwelling unit). Currently, two parking spaces are provided in accordance with the Zoning By-law, with one space located in the garage and one space located on the driveway. As such, the applicant is seeking to reduce the minimum width of two parking spaces on the driveway, in order to provide an additional parking space. Specifically, both parking spaces are proposed to be a minimum of 2.56 metres wide whereas a minimum width of 2.75 metres wide is currently required (a reduction of 0.19 metres per space). Both parking spaces will comply with the minimum parking stall length required of 5.5 metres.

The intent of the minimum parking space requirements of the Zoning By-law is to ensure that adequate parking is provided for the residential use and that the parking spaces are accessible and functional. As the additional parking space required for the accessory dwelling unit can be adequately provided on the lands, the intent of the Zoning By-law is being met. The reduced width of 0.19 metres per space is minor in nature and will not significantly impact an owner's ability to enter or exit the vehicles on the driveway.

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

Recommendation:

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

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

Natalie Stopar

Natalie Stopar, MCIP, RPP
Planner, Development Review

February 14, 2024



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-24/003/M 405 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:

- Permit two parking spaces to be a minimum of 2.55 metres wide by 5.5 metres long, whereas a parking space is required to be a minimum of 2.75 metres wide by 5.5 metres long (a decrease in the width by 0.20 metres for each space).

The subject property is known municipally as 405 Boyd Lane and is legally described as Lot 23 on Registered Plan 20M-1236. The property is located on the east side of Boyd Lane and north of Violet Gate, in a low density residential neighbourhood.

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

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

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

Zoning:

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

- i. Only 1 accessory dwelling unit shall be permitted per lot and shall be located within the main dwelling unit;
- ii. A minimum of 1 parking space per accessory dwelling unit is provided in addition to the required parking for the main dwelling unit;
- iii. The dwelling must be on full municipal water and wastewater services; and,
- iv. The accessory dwelling unit shall not exceed a maximum size of 85m².

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 requires that the minimum size of a required parking space on a Residential Driveway shall be 2.75 metres wide by 5.5 metres in length. To accommodate two parking spaces on the driveway, the applicant has requested a reduction in the minimum parking space width to 2.55 metres (a reduction of 0.20 metres) for both parking spaces.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, February 7, 2024. As of the writing of this report on, February 14, 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 is seeking to construct an accessory dwelling unit within the basement of an existing detached dwelling. As required by the Zoning By-law, in order to accommodate the accessory apartment a minimum of 3 parking spaces must be provided (2 parking spaces for the main dwelling unit and 1 additional space for the accessory dwelling unit). Currently, two parking spaces are provided in accordance with the Zoning

By-law, with one space located in the garage and one space located on the driveway. As such, the applicant is seeking to reduce the minimum width of two parking spaces on the driveway, in order to provide an additional parking space. Specifically, both parking spaces are proposed to be a minimum of 2.55 metres wide whereas a minimum width of 2.75 metres wide is currently required (a reduction of 0.20 metres per space). Both parking spaces will comply with the minimum parking stall length required of 5.5 metres.

The intent of the minimum parking space requirements of the Zoning By-law is to ensure that adequate parking is provided for the residential use and that the parking spaces are

accessible and functional. As the additional parking space required for the accessory dwelling unit can be adequately provided on the lands, the intent of the Zoning By-law is being met. The reduced width of 0.20 metres per space is minor in nature and will not significantly impact an owner's ability to enter or exit the vehicles on the driveway.

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

Recommendation:

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

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

Natalie Stopar

Natalie Stopar, MCIP, RPP
Planner, Development Review

February 14, 2024



Memorandum to Committee of Adjustment Members

Minor Variance Application: A24-004M - 8773 Milborough 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:

- Allow an aggregate maximum Gross Floor Area of 111.6 square metres for accessory structures, whereas the Zoning By-law currently permits a maximum of 93 square metres (an increase of 18.6 square metres).

The subject property is known municipally as 8773 Milborough Line and is legally described as Part of Lot 5, Concession 1 on 20R-1943 identified as Part 1. The lands are generally located south of Campbellville Road and east of Milborough Line. Surrounding land uses predominantly include agricultural operations and natural heritage systems.

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

The subject property is designated as Agriculture within the Town of Milton Plan. This designation permits a range of uses, including normal farm practices, a single detached dwelling and accessory structures.

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 predominately zoned as Rural (A2) and partially Greenlands A (GA) within the Town of Milton Rural Zoning By-law 144-2003, as amended. The proposed structure is entirely located within the boundary of the A2 Zone. The A2 Zone permits a range of uses such as a single detached dwelling (including accessory structures), agricultural operations, and conservation uses.

Foregoing the provision identified below, the accessory structure being proposed complies with the Zoning By-law 144-2003, as amended.

Section 4.1.2.2 ii) permits an aggregate maximum Gross Floor Area of 93 square metres for accessory structures. To accommodate the proposed structure *and* existing barn, the applicant is requesting relief to permit a maximum Gross Floor Area of 111.6 square metres.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, February 07, 2024. As of the writing of this report on, February 14, 2024, staff have not received any comments from members of the public.

The lands are regulated by Conservation Halton. As such, the applicant has consulted with CH and no issues were raised. A Development Permit has been issued for the proposal and therefore, CH offers no objection to the approval of this application.

Agency Consultation

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

Planning and Development Department Comments:

The subject lands currently contain a single detached dwelling and existing barn with an access on Millborough Line. To provide additional storage for lawn care equipment and vehicles, along with space for the owner's woodworking hobby, the applicant is proposing to construct a second accessory structure on site. The applicant has confirmed that the structure will only be for personal use.

Given the size of the subject lands and location of the proposed structure, Planning Staff have no objections to the proposal. The cumulative impact of the existing barn and proposed structure do not result in over-development of the subject lands, nor impede adjacent properties so far as privacy. The existing mature trees that are along the frontage of Millborough Line will contribute to shielding the structure itself from view.

Based on the foregoing, Planning Staff offer no objection to the approval of this application. The requested relief is minor in a 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 accessory structure shall be generally located and constructed in accordance with the site plan and building elevations date stamped by Town Zoning on January 15, 2024.
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.

Rachel Suffern

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

February 14, 2024

REVISED VERSION
2024. 1. 15

SITE PLAN OF
8773 MILBROUGH LINE
CAMPBELLVILLE, ON

LOT AREA = 2.5 Hectares

EXISTING HOUSE AREA = 170 SQ.M
EXISTING BARN AREA = 51 SQ.M
PROPOSED STRUCTURE AREA = 111.6 SQ.M

MILTON TOWN OF MILTON
DEVELOPMENT SERVICES
AZ & GA ZONE
ZONING: REVIEWED FOR C of A
rob.catarino JAN 15, 2024
ZONING OFFICER DATE

Campbellville Road
Property line (450') = 137.1 M

