



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

Thursday, March 28, 2024, 6:00 p.m.  
Council Chambers - In Person

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1. AGENDA ANNOUNCEMENTS / AMENDMENTS	
2. DISCLOSURE OF PECUNIARY INTEREST	
3. MINUTES	3
Recommended Motion:	
BE IT RESOLVED THAT	
1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, January 25, 2024 BE APPROVED.	
4. ITEMS FOR CONSIDERATION	
4.1 A24-012/M 436 Bussel Crescent	9
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. 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.	
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A minor variance is being requested to permit an above grade side door with 2 risers in the interior side yard.	
4.3 A24-006/M 1318 Kovachik Boulevard	14
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- 4.4 A24-007/M 1542 Severn Drive 17  
 Minor variances are being requested to construct an additional residential unit within their basement. To facilitate the proposal, relief is required with respect to accommodate the parking area and side yard entrance.
- 4.5 A24-008/M 246 Hinton Terrace 20  
 Minor variances are being requested to construct a basement accessory apartment. In order to permit the basement apartment, the Zoning By-law requires a minimum of three parking spaces. The applicant is proposing to provide one parking space in the garage and two parking spaces on the driveway. Further, the applicant is proposing an independent entrance to the basement to be located on the left side of the dwelling. To facilitate the entrance from the side yard the applicant is proposing a landing and stairs, as required by Ontario Building Code.
- 4.6 A24-009/M 2100 Labrador Avenue, 7095 Fifth Line, 11319 Derry Road 24  
 A minor variance is being requested to construct an employment subdivision on the lands consisting of 3 light industrial/warehouse buildings. The 3 buildings are under various stages of construction. The variance is proposed to provide the applicant with additional flexibility in the number of tenants that can occupy each building.
- 4.7 A24-010/M - 963 Transom Crescent 27  
 A minor variance is being requested to use their entire townhouse dwelling as a Short-Term Rental, subject to the provisions of the Licensing By-law
- 4.8 A24-011/M 1860 Thompson Road South 30  
 A minor variance is being requested to expand the legal non-conforming use site by proposing to demolish and re-build an existing accessory structure with a slightly larger footprint. Therefore, permission of the Committee of Adjustment must be granted prior to Building Permit issuance.
5. **NEXT MEETING**  
 Thursday, April 25, 2024 commencing at 6:00 p.m.
6. **ADJOURNMENT**



The Corporation of the  
Town of Milton  
Committee of Adjustment Minutes

February 22, 2024, 6:00 p.m.

Members Present: Chair Kluge, Tyler Slaght, Christopher Trombino

Members Absent: Tharushe Jayaveer, Salman Ellahi

Staff Present: Serena Graci, Rachel Suffern, Natalie Stopar

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

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**1. AGENDA ANNOUNCEMENTS / AMENDMENTS**

There were no agenda announcements/amendments.

**2. DISCLOSURE OF PECUNIARY INTEREST**

There were no discourses of pecuniary interest.

**3. MINUTES**

**BE IT RESOLVED THAT**

1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, January 25, 2024 **BE APPROVED.**

**Carried**

**4. HOUSEKEEPING ITEMS**

Chair Kluge provided an overview of the housekeeping items.

**5. ITEMS FOR CONSIDERATION**

- 5.1 **B21-005/M, B21-006/M, B21-007/M - 11179 Guelph Line**

Chair Kluge stated the first two items on the agenda are related and thus there will be joint discussion for both applications, and the committee will vote on two motions.

Town Planner Natalie Stopar provided an overview on the consent applications (B21-005/M, B21-006/M, B21-007/M) and minor variance application A23-116/M which are both for 11179 Guelph Line. The consent applications are required to facilitate the creation of three new lots and the minor variance application is required to permit the reduced minimum lot size for the three new lots that are being created.

The agent for the applicant, Jeff Kenny, address: 2620 Bristol Circle, Oakville provided an overview of both the consent applications and minor variance application.

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

Member Slaght asked if she is aware of any long-term monitoring that the Town or Region may do on residential lots within the municipality. Planner Stopar claimed she is not aware of this; however, the Town does not take jurisdiction over sanitary services, at that is taken care of by Halton Region. The town relies on Halton Region expertise for the approvals of the systems, such as what has been proposed, as well as for the decisions on monitoring. Member Slaght further asked, if it is the Town's responsibility to implement the building code. Planner Stopar stated this is correct.

Chair Kluge asked if private systems are also under the Region of Halton's responsibilities. Planner Stopar claimed the Town's official plan is very clear that where there is development proposed within the Hamlet areas, that is should only be permitted provided that all private water and wastewater services have been approved by Halton Region.

### **BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (B21-005/M, B21-006/M, B21-007/M) for 11179 Guelph Line in the Town of Milton **BE DENIED.**

**Carried**

## **5.2 A23-116/M - 11179 Guelph Line**

Chair Kluge stated the first two items on the agenda are related and thus there will be joint discussion for both applications, and the committee will vote on two motions.

Town Planner Natalie Stopar provided an overview on the consent applications (B21-005/M, B21-006/M, B21-007/M) and minor variance application A23-116/M which are both for 11179 Guelph Line. The consent applications are required to facilitate the creation of three new lots and the minor variance application is required to permit the reduced minimum lot size for the three new lots that are being created.

The agent for the applicant, Jeff Kenny, address: 2620 Bristol Circle, Oakville provided an overview of both the consent applications and minor variance application.

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

Member Slaght asked if she is aware of any long-term monitoring that the Town or Region may do on residential lots within the municipality. Planner Stopar claimed she is not aware of this; however, the Town does not take jurisdiction over sanitary services, at that is taken care of by Halton Region. The town relies on Halton Region expertise for the approvals of the systems, such as what has been proposed, as well as for the decisions on monitoring. Member Slaght further asked, if it is the Town's responsibility to implement the building code. Planner Stopar stated this is correct.

Chair Kluge asked if private systems are also under the Region of Halton's responsibilities. Planner Stopar claimed the Town's official plan is very clear that where there is development proposed within the Hamlet areas, that is should only be permitted provided that all private water and wastewater services have been approved by Halton Region.

### **BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-116/M) for 11179 Guelph Line in the Town of Milton **BE DENIED.**

**Carried**

## **5.3 A24-001/M - 35 Hugh Street**

Agent for the applicant, Brian Williams, address: 176 Sarah Street, Milton provided an overview of the application.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A24-001//M) for 35 Hugh Street in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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

**Carried**

**5.4 A24-002/M - 545 Kennedy Circle West**

Agent for the applicant, Imran Khan, address: 2237 Colonel William Parkway, Oakville provided an overview of the application.

**Questions to Town Planner Natalie Stopar**

Member Kluge inquired if she had anything to add to the letter received by an area resident regarding the minor variance application. Planner Stopar claimed she received the letter as well, in which she had reached out to the applicant and confirmed to them that parking is not permitted to encroach over the sidewalk. She also forwarded the residents' concerns to the By-law enforcement department who will be doing periodic visits to ensure the cars are being parked in accordance with municipal By-laws.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A24-002/M) for 545 Kennedy Circle West in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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

development does not proceed and/or a building permit is not secured.

**Carried**

**5.5 A24-003/M - 405 Boyd Lane**

Agent for the applicant, Malav Shah, 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 (A24-003/M) for 405 Boyd Lane in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

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

**Carried**

**5.6 A24-004/M - 8773 Milborough Line**

The owner, Kyong-He Lee, address: 8773 Milborough Line, provided an overview of the application.

**Questions to Town Planner Rachel Suffern**

Chair Kluge inquired if everything else is in conformity, other than the size. Planner Suffern claimed that is correct.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A24-004/M) for 8773 Milborough Line in the Town of Milton **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.

**Carried**

**6. NEXT MEETING**

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

**7. ADJOURNMENT**

There being no further business to discuss the Chair adjourned the meeting at 6:28 p.m.

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Serena Graci, Secretary Treasurer





## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A-24/012/M 436 Bussel Crescent

#### General Description of Application:

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

- 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 436 Bussel Crescent and is legally described as Lot 106 on Registered Plan 20M-1013. The property is located on the west side of Bussel Crescent, just south of Duff Crescent.

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 with site specific provisions (RMD1\*35) 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 single detached dwellings. The by-law permits Accessory Dwelling Units in single detached dwellings subject to the following criteria:

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

Zoning staff have confirmed that, with the exception of provision ii), the above noted criteria 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, March 14, 2024. As of the writing of this report on, March 20, 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.

Building staff noted that no building permits had been issued for the existing deck and pergola in the rear yard. The applicant has noted on the drawings that the structures will be removed.

## 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

March 20, 2024



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A-24/005/M 376 Gooch Crescent

#### General Description of Application:

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

- A landing accessing a principle building to encroach into the interior side yard by 0.24 metres with a 0.96 metre setback remaining, whereas a setback of 1.2 metres is required.

The subject property is known municipally as 376 Gooch Crescent and is legally described as Lot 12 on Registered Plan 20M-1053. The property is located on the south side of Gooch Crescent, in a low density residential neighbourhood.

The applicant is proposing to construct a basement apartment and has requested the minor variance to permit an above grade side door with 2 risers in the interior side yard. The minor variance is required to allow the landing to encroach into the minimum required 1.2 metre interior side yard setback, by 0.24 metres. An interior side yard setback of 0.96 metres would remain from the landing to the interior side lot line.

It is noted that the site plan submitted with the final minor variance application identifies a landing encroachment of 0.25 metres with a 0.95 metre setback from the interior side lot line. This is a 1cm increase from the current variance application before the Committee. Staff note that this is an error and have confirmed with the applicant that the subject variance is sufficient.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan on Schedule B 'Urban Area Land Use Plan'. This designation permits single detached dwellings. Second Residential Units are permitted. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

#### Zoning:

The subject lands are zoned as Residential Medium Density 1 with site specific provisions (RMD1\*104) in the Town of Milton Urban Zoning By-law 016-2014, as amended. In this zone, single detached dwellings including accessory apartments are permitted.

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

As the stairs and landing are proposed to encroach 0.24 metres into the interior side yard, a minor variance is required.

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

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, March 14, 2024. As of the writing of this report on, March 20, 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:**

Planning Staff are of the opinion that the encroachment of the stairs into the required side yard is minor and will not impact adjacent properties or the functionality of the single detached dwelling and accessory apartment. The subject side yard is 1.86 metres wide, which is slightly larger than the minimum required 1.2 metre side yard. A minimum setback of approximately 0.96 metres will remain between the stairs and the subject interior side lot line, and a 0.61 metre side yard will remain in the opposite side yard. Access to the rear yard will continue to be available.

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

## **Recommendation:**

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

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

**Natalie Stopar**

Natalie Stopar, MCIP, RPP  
Planner, Development Review

March 20, 2024



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A24-006M - 1318 Kovachik Boulevard

#### General Description of Application:

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

- Allow the width of a parking space on a residential driveway to be 2.56 metres, whereas the Zoning By-law requires 2.75 metres (a reduction of - 0.19 metres).

The subject property is known municipally as 1318 Kovachik Boulevard and is generally located northeast of the intersection of Britannia Road and Tremaine Road. The subject property contains a single-detached dwelling with an attached garage. Surrounding uses are residential and is primarily comprise of single-detached dwellings and townhomes.

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

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

The subject property is designated Residential Area on Schedule B - Urban Area land Use Plan within the Town of Milton Official plan and is located within the Boyne Survey Secondary Plan . 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. Secondary Residential Units are permitted as-of-right in the residential area, 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 additional 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 (RMD\*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 2.56 metres, a difference of -0.19 metres per parking space, to facilitate the proposal.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on March 14, 2024. As of the writing of this report on March 20<sup>th</sup>, 2024, staff have not received any comments from members of the public

### *Agency Comments*

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

While Milton Fire originally expressed concerns about the proposal, Planning Staff have ensured that unobstructed access to the entrance will be provided to their satisfaction.

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

The applicant has requested a minor variance to facilitate the construction of an additional residential unit in the basement of an existing single detached dwelling, at the above-noted address. Prior to building permit issuance, 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 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 and the owner has demonstrated that two vehicles can adequately be parked, despite the requested relief. Based on this, Planning Staff acknowledge that the driveway can functionally provide the required parking and therefore, maintains the intent of the Zoning By-law.

It should also be noted that the additional residential unit will be accessed through an entrance in the side yard and the external character of the single-detached dwelling will not be negatively impacted. A minor variance was not required with respect to the proposed entrance in the side yard.

Ultimately, the proposed development is desirable as it creates an additional residential unit which contributes to housing affordability, will not result in overdevelopment 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.

Therefore, Planning Staff have reviewed the requested relief and offer no objection to the approval of this application as it maintains the intent of the Zoning By-law, conforms to the Official Plan, is desirable for the development of the subject lands and is minor in nature.

**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





## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A24-007M - 1542 Severn Drive

#### General Description of Application:

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

- Allow a parking space, located on a residential driveway, to have a minimum width of 2.52 metres, whereas the Zoning By-law requires 2.75 metres (a reduction of 0.23 metres).
- Allow a minimum required interior side yard of 1.04 metres on one side and 0.6 metres on the alternate (a reduction of 0.16 metres).

The subject property is known municipally as 1542 Severn Drive and contains a single detached dwelling with an attached garage. Surrounding land uses are primarily residential.

The applicant is proposing to construct an additional residential unit within their basement. To facilitate the proposal, relief is required with respect to accommodate the parking area and side yard entrance.

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

Within the Official Plan, the subject property is designated Residential Area. This designation permits a range of low, medium and high density residential development. Second Residential Units are permitted as-of-right in the Residential Area, subject to the criteria as set out in Section 3.2.3.9.

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

#### Zoning

The subject lands are zoned Site Specific residential Medium Density 1 (RMD1\*283) under the Town of Milton Zoning By-law 016-2014, as amended. The Zoning By-law permits Accessory Dwelling Units, subject to the criteria set-out in Section 4.10:

- 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 have a width of 2.52 metres.

Section 6.2 Table 6C requires that a minimum interior side yard setback of 1.2 metres on one side and 0.6 metres on the alternate shall be provided. Based on the proposed location of the side yard entrance, the applicant is seeking to reduce the interior side yard setback in the affected yard to 1.04 metres.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on March 14, 2024. As of the writing of this report on March 21<sup>st</sup>, 2024, staff have not received any comments from members of the public

### *Agency Comments*

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

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

The applicant has requested a minor variance to facilitate the creation of an additional dwelling unit with their basement. To access the unit, an entrance is proposed in the interior side yard.

The intent of the required parking dimensions set-out in the Zoning By-law is to ensure that vehicles can be parked wholly on a private property without overhang onto the municipal right-of-way, while remaining accessible for passengers. The applicant has demonstrated, via photos, that two cars can adequately be parked in the driveway, along with the garage. As such, Planning Staff is satisfied in regard.

To accommodate the proposed access for the additional dwelling unit and meet all required Ontario Building Code requirements, the applicant is seeking to reduce the required interior side yard setback to 1.04 metres (given the required landing and stairs encroach). Given the alternate side yard remains unobstructed so far as access to the rear yard (i.e. for property maintenance equipment and life safety personnel), Planning Staff have no objection to the alternate side yard's proposed reduction. An unobstructed access of 1.94 metres will be provided to the entrance of the additional residential unit which will satisfy the provision of access of the future tenant and life safety personnel.

Based on the above-noted consideration, Planning Staff offer no objection to the approval of this application as the relief being requested is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and confirms to the Official Plan.

**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. (Pl), MCIP, RPP  
Planner, Development Review



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A24-008M 246 Hinton 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 facilitate a secondary dwelling unit:

- To allow above grade stairs and landings to be located in an interior side yard, with a resultant setback of 0.4 metres, where as the Zoning By-law does not allow such features to be located in an interior side yard nor encroach into the required setback of 1.2 metres (a reduction of 0.8 metres).
- To allow the width of a parking space on a residential driveway to be 2.68 metres, a difference of 0.06 metres per parking space.

The subject property is known municipally as 246 Hinton Terrace and is generally located east of the intersection of Bronte Street South and Louis St. Laurent Avenue. The subject property contains a single detached dwelling with an attached garage. Surrounding uses are residential and is primarily comprise of single-detached dwellings.

The applicant is proposing to construct a basement accessory apartment. In order to permit the basement apartment, the Zoning By-law requires a minimum of three parking spaces. The applicant is proposing to provide one parking space in the garage and two parking spaces on the driveway. Further, the applicant is proposing an independent entrance to the basement to be located on the left side of the dwelling. To facilitate the entrance from the side yard the applicant is proposing a landing and stairs, as required by Ontario Building Code.

#### 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 as-of-right in the residential area, 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. 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\*207) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*207 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 2.86 metres, a difference of 0.06 metres per parking space, to facilitate the proposal.

Section 4.19.5 i) Table 4H of the Zoning By-law states that stairs shall be located a minimum of 1.0 metres from the property line, measured to the first riser, with no part of the landing any closer than 1.2 metres from the property line. The applicant is requesting permission to allow a landing to be located in an interior side yard with a setback of 0.4 metres.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on March 14, 2024. As of the writing of this report on March 20<sup>th</sup>, 2024, staff have not received any comments from members of the public

### *Agency Comments*

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

Milton Fire originally expressed concerns with the proposal so far as adequate access to the side yard entrance - Planning Staff have worked with Milton Fire to resolve such concerns by confirming that an unobstructed access to the side yard entrance will be provided and that the alternate side yard will remain unobstructed to ensure adequate access to the rear yard.

### **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 for the additional residential unit and two parking spaces required for the primary dwelling unit.

The intent of the required parking stall dimensions in the Zoning By-law ensures that adequate space is available for vehicles to park and be accessed. Based on this, Planning staff have reviewed the request to reduce the size of the parking space and offer no objection to the approval of this application. 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.

The applicant is also requesting permission to allow for stairs and a landing to be located within the interior side yard, resulting in a side yard of 0.4 metres. Planning Staff do not have any objection to the proposed stairs and landing so long an unobstructed path of travel remains available to the entrance for life-safety personnel. Similarly, the alternate side yard is to remain unobstructed and accessible so far as access to the rear yard.

Based on the above, the proposed development is appropriate for the efficient use of the land by providing an additional residential unit which contributes to housing affordability, will not result in overdevelopment 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. Therefore, Planning Staff offer no objections to the approval of this application and believe the application conforms to the four tests: it is desirable for the appropriate development of the lands, the application is minor in nature, it conforms to the intent of the Official Plan and it conforms to the intent of the Zoning By-law.

### **Recommendation:**

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

1. That the development proceed generally in accordance with the site plan prepared by Scale n Shape Architectural Consultants, date stamped by Town Zoning on February 6, 2024.
2. That prior to building permit issuance, the owner confirm that the fence located in the alternate side yard has been altered to include a door to the rear yard for access, or is removed, to the satisfaction of Development Review staff.
3. That a building permit application be obtained within two (2) years from the date of this decision.
4. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

Rachel Suffern

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



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A-24/009/M 2100 Labrador Avenue, 7095 Fifth Line, and 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 of 1 parking space per 100 square metres of gross floor area for the first 5000 square metres of each individual industrial and warehouse/distribution premises including an accessory office, whereas the Zoning By-law currently requires that 1 parking space per 30 square metres for the first 1000 square metres and 1 parking space per 100 square metres for to 5000 square metres be provided.

The subject property comprises of 3 buildings which are known municipally as 2100 Labrador Avenue, 7095 Fifth Line, and 11319 Derry Road. The property is legally described as Block 6 on Registered Plan 20M-1259.

The applicant is in the process of constructing an employment subdivision on the lands consisting of 3 light industrial/warehouse buildings. The 3 buildings are under various stages of construction. The variance is proposed to provide the applicant with additional flexibility in the number of tenants that can occupy each building.

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

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

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

#### Zoning:

The subject lands are zoned Business Park with site specific provisions (M1\*296 & M1\*297) in Zoning By-law 016-2014 as amended. This zone permits a variety of office and light industrial uses on the lands.

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

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



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

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

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

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

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, March 14, 2024. As of the writing of this report on March 21, 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. Transportation Planning staff have confirmed that they have no concerns with the proposed parking reduction.

## **Development Review Comments:**

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

A parking study was undertaken as part of the application to reduce the number of parking spaces. The parking study concluded that the proposed parking rate is sufficient to accommodate the future parking demands for the proposed multi-tenant buildings. Transportation engineering staff had no concerns with the parking rate proposed and the parking study provided. Additionally, the proposed parking rate is consistent with the current parking rate for other similar developments within the Derry Green Secondary Plan area.

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

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

**Recommendation:**

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

**Natalie Stopar**

Natalie Stopar, MCIP, RPP  
Planner, Development Review

March 21, 2024



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A-24/010M - 963 Transom Crescent

#### General Description of Application:

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

- Permit two parking spaces to support a dwelling and a Short-Term Rental, whereas the Zoning By-law requires three parking spaces (two associated with the primary dwelling and one with the Short-Term Rental use).

The subject property is known municipally as 963 Transom Crescent and is generally located south of Derry Road and west of Bronte Street South. Surrounding land uses include residential, stormwater management ponds and an adjacent rail corridor.

The applicant is proposing to use their entire townhouse dwelling as a Short-Term Rental, subject to the provisions of the Licensing By-law.

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

The subject property is designated as Residential on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan. It is further designated as Residential - Employment on Schedule C-8-D - Sherwood Survey Secondary Plan Land Use Plan within the Sherwood Survey Secondary Plan.

Both designations permit a range of residential uses, along with those that are ancillary and accessory to the principle residential use.

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

#### Zoning:

The subject lands are zoned Residential Medium Density 2 (RMDII\*146) with site specific provisions. The zone generally permits a range of medium density housing types and accessory uses. Further, a Short-Term Rental is permitted within any dwelling unit, subject to Section 4.24.

Section 4.24 (ii) of the Zoning By-law requires that a one parking space, in addition to the required parking for the principle dwelling, shall be provided. Given that the subject property has a single car driveway, only two legal parking spaces can be provided on site - one in the garage and one on the driveway.

Therefore, the applicant is requesting relief to require that only two spaces be provided, whereas the Zoning By-law cumulatively requires three.

## Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, March 14, 2024. As of the writing of this report on, March 21, 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 subject lands currently contain a townhouse dwelling with an attached garage and single-car driveway. The owner is seeking to use their existing townhouse dwelling as a Short-Term Rental, subject to the provisions established in the Licensing By-law 062-2022, notably:

1. That no Licensee shall rent out a Short-Term Rental for more than 180 days in a calendar year;
2. That each rental period shall not exceed 28-days;
3. That the Short-Term Rental is the applicant's principal residence; and,
4. That the land, building or structure conforms with all applicable federal and provincial legislation, regulations and municipal by-laws.

Until such time that zoning compliance is achieved, the Town will not issue a Certificate of Occupancy or Short-Term Rental License. Therefore, the applicant is seeking a minor variance.

The intent of the parking provision in Section 4.24 (ii) is to ensure adequate parking is available for a Short-Term Rental, particularly in the instance of a secondary dwelling unit being rented out as a Short-Term Rental, while the primary dwelling unit remains occupied. Given the applicant intends to rent out the entire dwelling unit, Planning Staff offer no objection to the approval of this application since the parking requirements between the principle unit and Short-Term Rental will not be in conflict with one another. Further, given that the entire dwelling would be rented out, the anticipated parking demand would not exceed what would be reasonably presumed if the entire townhouse was occupied by the owners - both configurations would function in a similar manner.

Should the Committee approve this application, a condition has been included to ensure that the permission of a reduced parking rate is contingent on the entire townhouse dwelling being rented out as a Short Term Rental.

Further, Planning Staff acknowledge that while the property only legally has two parking spaces, there is no municipal sidewalk and therefore, the existing boulevard can functionally be used for a third parking space at this time.

Based on the foregoing, Planning 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 the entire townhouse dwelling shall be rented out as a Short Term Rental.
2. That a Certificate of Occupancy be issued within two (2) years from the date of this decision.
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a Certificate of Occupancy is not secured.

**Rachel Suffern**

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

March 21, 2024



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A24-011M 1860 Thompson Road South

#### General Description of Application:

Under Section 45(2) (a) (i) of the *Planning Act*, the following expansion of a legal non-conforming use has been requested:

- To allow the continuation and expansion of a Private Club.

The subject property is known municipally as 1860 Thompson Road South and is generally located south of the intersection of Thompson Road South and Britannia Road. The subject property contains a Private Club (Croatian Club Karlovac) which consists of a hall/event space, soccer fields, a play ground and accessory structures.

The applicant intends to expand the legal non-conforming use site by proposing to demolish and re-build an existing accessory structure with a slightly larger footprint. Therefore, permission of the Committee of Adjustment must be granted prior to Building Permit issuance.

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

The subject property is designated as Agriculture on Schedule A - Rural Land Use Plan within the Town of Milton Official Plan.

The property is also subject to the Greenbelt Natural Heritage System, as identified on Schedule 1.

The objective of the Greenbelt NHS overlay policies seek to protect Key Features - however, the overlay does permit existing uses and accessory structures, provided that the impact on the natural environment will be minimal.

Based on intent of the Greenbelt NHS policies, it is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan in regard. The proposed development is a replacement of what currently exists and will have minimal impact on the natural environment.

With respect to the legal non-conforming use, Section 5.8.3.5 sets out criteria that must be met when evaluating an application to expand such uses:

"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.

With respect to the Official Plan policies above, Planning Staff are of the opinion that the expansion of the legal non-conforming use will not further aggravate an existing situation given it doesn't intensify a land-use compatibility conflict and simply replaces the existing structure.

Based on the above-noted policy analysis, Planning Staff are of the opinion that the proposal is in conformity with the Official Plan.

## **Zoning**

The subject property is zoned Agriculture (A1) under Comprehensive Rural Zoning By-law 144-2003, as amended. The general A1 Zone permits agricultural operations and single detached dwellings, located on existing lots.

The existing accessory structure is considered legal non-conforming as the 'Private Club' use existed before the date on which the current Zoning By-law took effect. 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 Building Permit 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 March 14, 2024. As of the writing of this report on March 20<sup>th</sup>, 2024, staff have not received any comments from members of the public

### *Agency Comments*

Town departments provided no objections; however, one objection was received from Halton Region.

Halton Region identified concerns with the proposal as it relates to the proposed garage's proximity to an adjacent Key Feature (Candidate Significant Woodlands).

Town Planning Staff have reviewed the Region's comments and acknowledge their concerns. However, it is Town Planning Staff's professional opinion that the proposed development meets the intent of Halton Region's policies and that the impact of the proposed structure, on the adjacent Key Feature, is minimal. The proposal seeks to replace an existing structure (an already disturbed/developed area) and the proposed expansion is projected away from the Key Feature which would not further aggravate an existing situation. The proposed structure is to be located in the most efficient and logical location on the lands; no tree removal is required.

With respect to the Region's hydrogeological concerns, Planning Staff have confirmed that the proposed structure will not increase the number of outlets from what currently exists and the structure will not have kitchen or washroom facilities.

The lands are regulated by Conservation Halton from which no concerns were raised. A Conservation Halton Permit will be required prior to Building Permit issuance.

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

The applicant has requested to expand the legal non-conforming use on the site to permit the demolition and re-construction of an existing accessory structure. The accessory structure will be used for storage and as a gathering area during seasonal events.

Based on the direction of the Official Plan with respect to Legal Non-Conforming uses, Planning Staff have no objection to this application. The Private Club use is established on the lands and the request to continue/expand it will have no impact on the subject property - or those adjacent - beyond what currently exists. Further, the use of the accessory structure itself will not change from its current function.

While Planning Staff acknowledge Halton Region's concerns, the Key Feature will not be impacted based on the structure's current location and no hydrogeological impacts are anticipated given that there are no washroom or kitchen facilities proposed within the structure.

Therefore, Planning Staff have evaluated the proposal through Section 45(2) (a) (i) of the Planning Act, in tandem with Section 5.8.3.5 of the Town's Official Plan, and offer no objection to the proposal as it is consistent with Provincial and Local policies.

#### **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