



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

Thursday, April 25, 2024, 6:00 p.m.
Town Hall West – Milton Room

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

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The Corporation of the
Town of Milton
Committee of Adjustment Minutes

March 28, 2024, 6:00 p.m.

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

Members Absent: Tharushe Jayaveer

Staff Present: 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.

1. AGENDA ANNOUNCEMENTS / AMENDMENTS

There are no agenda announcements or amendments.

2. DISCLOSURE OF PECUNIARY INTEREST

There are no disclosures of pecuniary interest.

3. MINUTES

Minutes of Committee of Adjustment Hearing held on February 22, 2024.

BE IT RESOLVED THAT

1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, February 22, 2024 **BE APPROVED.**

Carried

4. ITEMS FOR CONSIDERATION

4.1 A24-012/M 436 Bussel Crescent

Agent for the applicant, Arshad Siddiqui, address: 3485 Rebecca Street Oakville provided an overview of the application.

Questions to Agent Siddiqui

Member Ellahi inquired

Public Participation

Anne, address: stated her following concerns. She does not believe it is necessary

Agent Siddiqui provides clarification stating,

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A24-012/M) for 436 Bussel Crescent 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

4.2 A24-005/M 376 Gooch Crescent

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 (A23-005/M) for 376 Gooch Crescent 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

4.3 A24-006/M 1318 Kovachik Boulevard

Agent for the applicant, Imran Khan, address: 2237 Colonel William Parkway, Oakville 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 (A24-006/M) for 1318 Kovachik Boulevard 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

4.4 A24-007/M 1542 Severn Drive

Agent for the Applicant, Valiuddin Mohammed, Address: 6 Ripon Street, Mississauga, provides an overview of the application.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A24-007/M) for 1542 Severn Drive 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

4.5 A24-008/M 246 Hinton Terrace

Applicant Salman Bajwa, Address 246 Hinton Terrace, provides an overview of the application.

Questions to Applicant Bajwa:

Member Trombino asks for clarification on fence removal and whether a side of the property will be unfenced.

Applicant Bajwa replies that a door will suffice as directed by the examiner.

Member Ellahi advises the Applicant that there is a potential for a second variance needed in the future.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A24-008/M) for 246 Hinton Terrace in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the development proceeds 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.

Carried

4.6 A24-009/M 2100 Labrador Avenue, 7095 Fifth Line, 11319 Derry Road

Agent for the Applicant, Jessica Kwan, address: 2680 Skymark Avenue, Mississauga, provides and overview of the application.

Questions to Agent Kwan:

Member Ellahi inquires about a relating application. Member Ellahi also requires clarification on which building the parking reduction is being requested for.

Agent Kwan clarifies that the reduction is for all three (3) buildings.

Chair Kluge inquires about employment occupancy and density for the application with respect to parking uses.

Agent Kwan clarifies that the Minor Variance is to seek flexibility for potential future tenants' parking requirements.

Questions to Planner Stopar:

Chair Kluge inquires on related applications with respect to parking requirements.

Planner Stopar clarifies that similar applications within industrial zones have had different approval results based on number of units and required parking.

Chair Kluge then asks for clarification on parking requirements.

Planner Stopar refers to the Zoning By-law for parking requirements for a particular building to which the minor variance application in question permits the applicant greater flexibility should the owner lease the building to multiple tenants, therefore increasing numbers of units as well as parking spaces required per unit.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A24-009/M) for 2100 Labrador Avenue, 7095 Fifth Line and 11319 Derry Road in the Town of Milton **BE APPROVED.**

Carried

4.7 A24-010/M - 963 Transom Crescent

Applicant Zahid Ijaz, Address: 963 Transom Crescent, provides an overview of the application.

Questions to Applicant Ijaz:

Member Ellahi inquires about the rental layout for the subject property.

Applicant Ijaz confirms that the entirety of the house will be leased for rental.

Chair Kluge seeks clarification on the prospect of the basement as to whether it is a separate rental unit or a part of the house.

Member Ellahi confirms to Chair Kluge that the basement is finished and is not a separate rental unit.

Member Trombino seeks confirmation on whether the subject property will host one (1) or two (2) short term rental units.

Applicant Ijaz confirms that it is one (1).

Questions to Planner Suffern:

Member Ellahi refers to the Development Review comments suggesting that the short term rental is for the principal resident as well.

Planner Suffern reaffirms that the entire dwelling is being rented out as a short term rental. Planner Suffern also illustrates the Zoning By-law pertaining to the subject property.

Chair Kluge inquires about the subject property's parking.

Planner Suffern explains the parking requirements based on the proposed uses.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A24-010/M) for 963 Transom Crescent in the Town of Milton **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.

Carried

4.8 A24-011/M 1860 Thompson Road South

Agent Dennis Spudic, Address: 2389 Hertfordshire Way, Oakville, provides an overview of the application.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A24-011/M) for 1860 Thompson Road South 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. NEXT MEETING

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

6. ADJOURNMENT

There being no further business to discuss the Chair adjourned the meeting at 6:47 p.m.

Greta Susa, Acting Secretary Treasurer



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: April 17, 2024

File No: A24-013

Subject: 1394 Lobelia Crescent

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

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

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 2.65 whereas the Zoning By-law requires 2.75 metres (a reduction of -0.10 metres).

The subject property is known municipally as 1394 Lobelia Crescent and is generally located north of the intersection of Tremaine Road North and Britannia Road. The subject property contains a single-detached dwelling with an attached garage. Surrounding land uses are residential and is primarily comprised of single-detached dwellings.

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 lands are zoned Site Specific Residential Medium Density 1 (RMD1*252) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*252 zone permits a variety of residential uses, including detached and townhouse dwellings. The Zoning By-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria

Official Plan Designation (including any applicable Secondary Plan designations)

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

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

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting permission to allow a minimum size of a parking space on a residential driveway to be a width of 2.65 metres, a difference of -0.10 metres per parking space, to facilitate the proposal.

Zoning

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1*269) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*269 zone permits a variety of residential uses, including detached and townhouse dwellings. The By-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria

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

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 2.65 metres, a difference of -0.10 metres per parking space, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on, April 11th, 2024. As of the writing of this report on, April 17th, 2024, staff have not received any comments from members of the public.

Agency Consultation



Consultation

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

Development Services 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. 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, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by -0.10 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces.

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

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

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

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding of the property, will not impact the personal enjoyment of the lands or any neighboring property and will not be of detrimental impact to the lands, the street or surrounding area. Therefore, Planning Staff are of the opinion that the relief being requested is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and conforms to the Official Plan.

Respectfully submitted,

Madison Polidoro

Madison Polidoro
Planner, Development Review



The Corporation of the Town of Milton

File #:
A24-013
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The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: April 17, 2024

File No: A24-016

Subject: 1344 Basswood Crescent

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

1. That a building permit application be obtained within two (2) years from the date of this decision; and,
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.

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 1344 Basswood Crescent and is generally located east of the intersection of Louis St. Laurent Avenue and Highway 25. The subject property contains a single-detached dwelling with an attached garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings.

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 as 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

Official Plan Designation (including any applicable Secondary Plan designations)

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 (RMD1*252) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*252 zone permits a variety of residential uses, including detached and townhouse dwellings. The By-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria

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

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



Zoning

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 April 11th, 2024. As of the writing of this report on April 17th, 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.

Development Services Comments

In order for a permit to be issued to construct an additional residential unit, all relevant Zoning By-law provisions must be met, including the provision of one parking space for the additional residential unit, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by -0.19 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces.

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

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



Consultation

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

The proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding of the property, will not impact the personal enjoyment of the lands or any neighboring property and will not be of detrimental impact to the lands, the street or surrounding area. Therefore, Planning Staff are of the opinion that the relief being requested is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and conforms to the Official Plan.

Respectfully submitted,

Madison Polidoro

Madison Polidoro
Planner, Development Review