



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

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

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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<b>1. AGENDA ANNOUNCEMENTS / AMENDMENTS</b>	
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5.1 A24-026/M 51 Court Street N. The landowner is requesting minor variances and an expansion of a legal non-conforming condition to facilitate a residential addition and porch, along with a conversion of a detached garage to a shed. The proposed addition includes a family room, washroom and pantry	7
5.2 A24-027/M 12199 Sixth Line Nassagaweya The applicant is requesting relief from the Rural Zoning By-law 144-2003, as amended, to allow two (2) residential dwellings on one lot on a temporary basis. Additionally, in order to accommodate the proposed three-car garage with an upper loft area, the applicant is requesting an increased gross floor area of 222 square metres and a height of 7.3 metres.	17
5.3 A24-028/M 836 Maple Avenue The applicant is proposing to construct a covered porch at the front of the house. The Zoning By-law requires that a maximum of 30% lot coverage is permitted on lots with a lot area less than 660 square metres. The applicant is seeking relief to the Zoning By-law to permit a maximum lot coverage of 31%.	22

5.4	A24-029/M 257 Kingsleigh Court	25
	Minor Variances are being requested in order to construct a detached dwelling with an attached garage. The applicant is requesting an increased lot coverage of 35.6% and maximum height of 9.42 metres.	
5.5	A24-033/M 3300 15 Side Road	28
	The applicant is requesting relief from the Town's Zoning By-law to allow two residential dwellings on one lot on a temporary basis. The proposed minor variance is being requested to allow for the family to reside on the subject property while the proposed single-detached dwelling is being constructed.	
5.6	A22-023/M, A24-031/M, & A24-032/M	32
	The applicants are seeking minor variances and an expansion of a legal non-conforming use to facilitate: a proposed addition to Building 'B' being Canadian Tire, a proposed restaurant identified as Building 'O', and a proposed multi-unit retail building identified as Building 'N'.	

**6. NEXT MEETING**

**7. ADJOURNMENT**



The Corporation of the  
Town of Milton  
Committee of Adjustment Minutes

June 27, 2024, 6:00 p.m.

The Committee of Adjustment for the Corporation of the Town of Milton met in regular session in person. All members were present except member Jayaveer.

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1. **AGENDA ANNOUNCEMENTS / AMENDMENTS**

2. **DISCLOSURE OF PECUNIARY INTEREST**

3. **HOUSEKEEPING ITEMS**

4. **MINUTES**

4.1 **Minutes of Committee of Adjustment Hearing held on May 23, 2024**

BE IT RESOLVED THAT the MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, May 23, 2024 BE APPROVED.

**Carried**

5. **ITEMS FOR CONSIDERATION**

5.1 **A24-015/M 1578 Severn Drive**

**THAT** the application for minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):**

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.

**Carried**

**5.2 A24-020/M 874 Childs Drive**

**THAT** the application for minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):**

1. That a building permit application be obtained within two (2) years from the date of this decision;
2. Prior to Building Permit issuance, a detailed Grading Plan and Stormwater Management brief must be provided to the satisfaction of Town Development Engineering;
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.
4. That the development shall be in accordance with the Site Plan prepared by Mechways Inc. Stamped by Town Zoning on May 8, 2024

**Carried**

**5.3 A24-021/M 2149 No. 3 Side Road, Campbellville**

**THAT** the application for minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):**

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.

**Carried**

**5.4 A24-022/M 4200 Ennisclare Drive**

**THAT** the application for minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):**

1. That a building permit application be obtained within two (2) years from the date of this decision; and,
2. 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 A24-023/M 11151 First Line Nassagaweya**

**THAT** the application for minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):**

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.

**Carried**

**5.6 A24-025/M 720 Switzer Crescent**

**THAT** the application for minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):**

1. That a Building Permit be issued within two (2) years from the date of this decision;
2. That prior to Building Permit issuance, a detailed grading plan and stormwater management brief will be provided to the satisfaction of Town Development Engineering;
3. That a 0.45 metre permeable border be reinstated along the perimeter of the site; and,
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**

**6. NEXT MEETING**

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

**7. ADJOURNMENT**

There being no further business to discuss the Chair adjourned the meeting at 6:37 p.m.

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Scott Corbett, Secretary Treasurer



# The Corporation of the Town of Milton

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Report To: Committee of Adjustment and Consent

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From: Rachel Suffern, MPA, M.Sc., MCIP, RPP

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Date: July 17, 2024

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File No: A24-026/M

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Subject: 51 Court Street North

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

1. That the development shall be located and constructed generally in accordance with the site plan and building elevations, prepared by Alana + Kelly Design Co., date stamped by Town Zoning on June 17, 2024;
2. That a Building Permit be obtained within two (2) years from the date of the decision; and,
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a Building Permit is not secured.

## General Description of Application

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

- Allow a maximum height of an accessory building to be 3.4 metres, whereas the Zoning By-law permits 3.0 metres (an increase of 0.4 metres).
- Allow a total gross floor area of 15 square metres for all accessory structures on a lot, excluding detached garages and decks, whereas the Zoning By-law permits 12 square metres (an increase of 3 metres).
- Allow a residential fence, located in an interior side yard, to be 3 metres, whereas the Zoning By-law permits 2 metres (an increase of 1 metre).
- Allow a minimum unobstructed driveway width of 2.5 metres, whereas the Zoning By-law requires a minimum width of 3.2 metres (a reduction of 0.7 metres).
- Allow a 0.0 metre permeable residential landscaping strip abutting the south lot line (adjacent to the proposed driveway extension), whereas the Zoning By-law requires a minimum of 0.6 metres (a reduction of 0.6 metres).
- Allow a minimum interior side yard setback of 2.2 metres, whereas the Zoning By-law requires 3.5 metres (a reduction of 1.3 metres).

Under Section 45(2) of the Planning Act, the following request to expand a legal non-conforming use has been requested:

### General Description of Application

- To allow a residential dwelling to have an 8.0 metre setback from a railway right-of-way, where as the current Zoning By-law 016-2014, as amended, requires 30 metres (a reduction of 22 metres).

The subject property is known municipally as 51 Court Street North and is legally described as Part of Lot 14 on Concession 2 TT. Surrounding land uses include a railway right-of-way to the north, low density residential immediately to the south-west, and a mid-rise residential apartment building to the east.

The lands currently contain a single detached dwelling and detached garage. Through this application, the landowner intends to construct an addition with a porch at the rear of the dwelling and to convert the existing detached garage to an accessory structure (shed).

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

The subject property is designated as Central Business District on Schedule B - Urban Land Use Plan and Low-Density Residential Sub-Area on Schedule C - Central Business District Land Use Schedule. These designations permit single-detached, semi-detached and duplex dwellings.

Regarding the request under Section 45 (2) of the Planning Act, 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.”



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

The development cannot be relocated to an area where it will comply with contemporary zone standards as the residential lot is located entirely within the 30 metre setback from the rail right of way. Further, a Professional Engineer retained by the landowner confirmed that the proposed residential addition and accessory structure will not aggravate the situation or create adverse impacts beyond what currently exists. Finally, the proposal will not impact adjacent residential uses, is appropriate in proportion to what currently exists, provides for adequate access, and parking, and is appropriately serviced.

Based on the aforementioned, it is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

### **Zoning**

#### **Section 45 (1) - Minor Variances**

The subject lands are zoned site-specific Residential Low Density I (RLD1\*279) within the Town's Zoning By-law 016-2014, as amended. In order to facilitate the proposed residential addition and accessory structure, the landowner is seeking relief from the following provisions:

1. Accessory Structure - Maximum Height

Section 4.2.1 Table 4A of the Zoning By-law permits a maximum height of 3 metres for an accessory structure or building. The landowner is requesting a maximum height of 3.4 metres to accommodate the existing detached garage which will be converted to an accessory structure (shed).

The intent of this provision is to ensure that an accessory structure remains secondary to the primary residential dwelling and does not impact adjacent lands in way of privacy, personal enjoyment or sightlines.

2. Accessory Structure - Maximum Gross Floor Area

Section 4.2.1 Table 4A(l) of the Zoning By-law permits a cumulative maximum gross floor area of 10 square metres for all accessory structures on a lot that has an area less than 660 square metres. The landowner is requesting a maximum gross floor area of 13 square metres to accommodate the existing footprint of the detached garage which will be converted to an accessory structure (shed).

The intent of this provision is to ensure that an accessory structure remains accessory to the primary residential dwelling and does not result in over-development of a lot.

3. Fence - Maximum Height

Section 4.8.1 i) of the Zoning By-law permits a maximum height of 2 metres for a residential fence located within an interior side yard. The landowner is requesting a 3 metre fence in the northern interior side yard to provide enhanced screening from the adjacent rail right-of-way.

## Zoning

The intent of this provision is to ensure that a fence does not impact views of adjacent lands nor create a sightline hazard.

### 4. Driveway - Minimum Width

Section 5.6.2 vi) a) of the Zoning By-law requires a minimum unobstructed driveway width of 3.2 metres. Based on the siting of the proposed addition, a portion of the driveway extension has a reduced width of 2.5 metres.

The intent of the provision is to ensure that a driveway provides for adequate vehicular access and movement.

### 5. Driveway - Minimum Permeable Landscaping Strip

Section 5.6.2 viii) a) of the Zoning By-law requires that a minimum width of 0.6 m abutting both side lot lines on interior lots of detached dwellings shall be a permeable residential landscaped surface. To accommodate and extend the existing driveway, the applicant has requested a reduction in the minimum width of the permeable landscaped surface to 0 metres.

The intent for this provision is to provide a permeable buffer between the lot line and hard surfacing that accommodates water run-off.

### 6. Addition - Minimum Interior Side Yard Setback

Section 6.2 Table 6B (\*2) ii) a) of the Zoning By-law requires a minimum interior side yard setback of 3.5 metres on the side of the driveway closest to the proposed addition. Based on the siting of the proposed addition and the lot configuration, a minimum interior side yard setback of 2.2 metres is proposed at the rear of the addition where the lot tapers towards the rear.

The intent of this provision is to ensure that any principle structure has an adequate setback from adjacent properties, that any run-off from a structure can be accommodated on the subject property, and that there is unobstructed access to the rear yard.

Foregoing the above-noted provisions, the proposal complies with all other applicable sections of the Zoning By-law.

## Section 45 (2) - Expansion of Legal Non-Conforming Condition

The existing setback to the rail right-of-way (being less than 30 metres) is considered legal non-conforming as the condition 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.

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,

## Zoning

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 Zoning By-law 016-2014 took effect. As such, it is appropriate to consider the expansion under Section 45 (2) (a) (i) of the Planning Act.

## Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on July 10, 2024. As of the writing of this report on, July 17, 2024, Staff have not received any comments from members of the public.

### *Agency Consultation*

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

Town Planning Staff note that the applicable rail authority no longer issues clearance on development applications and defers to the [Guidelines for New Development in Proximity to Railway Operations](#) (referred to as the ‘Guidelines’) prepared by the Federation of Canadian Municipalities and Railway Association of Canada. As such, the landowner retained a Professional Engineer to review the proposal against the Guidelines and provide an Opinion Letter. The Opinion Letter concluded that the Guidelines are not intended to apply to existing locations where proximity issues already exist and further, that the addition is minor in nature when evaluated against the requirement of a 30 metre setback from the rail right-of-way. As such, Town Staff are satisfied that the rail authority’s comment has been adequately addressed by way of the Opinion Letter prepared by Stantec Consulting Limited.

## Development Services Comments

The landowner is requesting minor variances and an expansion of a legal non-conforming condition to facilitate a residential addition and porch, along with a conversion of a detached garage to a shed. The proposed addition includes a family room, washroom and pantry.

### Section 45 (1) - Minor Variances

#### Variance 1 & 2: Accessory Structure - Maximum Height and Maximum Gross Floor Area

Given the landowner intends to convert the existing detached garage into an accessory structure, the Zoning By-law provisions that are applied change upon conversion. As such, in order to accommodate the existing height and gross floor area under the definition of an accessory structure, a minor variance is required to increase both performance standards.

## Consultation

Both variances are technical in nature and are legalizing an existing condition upon the conversion. As such, Planning Staff are of the opinion that the variance is minor in nature and the impact is negligible. The built form is existing and does not result in over-development of the lot - further, the accessory structure will remain secondary to the principle dwelling and respects existing neighbourhood character.

### Variance 3: Fence - Maximum Height

The landowner is requesting a variance to increase the maximum height of a residential fence in the northern interior side yard. Given the fence is only proposed in the side yard abutting Town-owned land and the rail right-of-way, Planning Staff are of the opinion that the requested increase is minor in nature. The fence will contribute to minimizing noise and visual disruptions associated with adjacent non-residential lands and provides greater privacy to the landowner in their backyard. Further, there is no impact anticipated on other residential properties as a result of the increased height.

### Variance 4: Driveway - Minimum Width

Staff are of the opinion that the reduction in driveway width is minor in nature as only a portion of the driveway extension will have this condition. The driveway will remain functional and provides adequate access for vehicles.

### Variance 5: Driveway - Minimum Permeable Landscaping Strip

Staff are of the opinion that the decrease in permeable landscaped surface will not impact neighbouring properties and assists in providing adequate access to the proposed detached garage. The proposal seeks to extend the existing driveway, which does not currently have a permeable landscaped surface at the interior lot line.

As of the writing of this report, adjacent property owners have expressed no concern for this variance, specifically the proposed decrease in permeable landscaped area. Further, the applicant demonstrated a willingness to respect existing elevations and will ensure any excess runoff does not affect neighbour properties, which will be confirmed by Development Engineering prior to Building Permit issuance.

### Variance 6: Addition - Minimum Interior Side Yard Setback

Based on the siting of the proposed addition, the rear corner creates a pinch point where there is an interior side yard setback of 2.2 metres. Planning Staff are of the opinion that the reduction is minor in nature given it is only located at the rear of the dwelling as the lot tapers towards the rear of the lot. From a street view perspective, the reduced interior side yard setback does not disrupt existing neighbourhood character and development patterns. Further, adequate access to the rear yard is maintained despite the reduced interior side yard setback at the identified pinch point.

Based on the aforementioned, Planning Staff are of the opinion that the variances being requested are minor in nature, desirable for the development of the subject lands, maintain the



## Consultation

intent of the Zoning By-law and conforms to the Official Plan. As such, Planning Staff offer no objection to the approval of this application.

### Section 45 (2) - Expansion of Legal Non-Conforming Condition

Section 4.22.3 i) of Zoning By-law 016-2014, as amended, requires that any buildings containing residential uses shall not be located closer than 30 metres to a railway right-of-way. The dwelling at 51 Court Street North existed prior to 1999 which means that the current 30 metre setback does not apply given the provision was not in existence when the dwelling was initially established. As such, the landowner has requested to expand a legal non-conforming condition to allow the residential addition to be located less than 30 metres setback from a railway right-of-way.

The landowner retained a Professional Engineer to provide an Opinion Letter which concluded that the Guidelines are intended to apply to new development rather than existing lots of record with proximity issues. Further, it was noted that the reduced setback in this instance was minor in nature. Planning Staff defer to the technical expertise of the Professional Engineer and are satisfied with the Opinion Letter in that regard. From a practical perspective, the continuation and expansion of the deficient setback is unavoidable as the entire lot is located within the current 30 metre setback - there is no option to relocate the addition to a location where it would comply with contemporary standards.

Based on the aforementioned, Planning Staff offer no objection to the expansion of the legal non-conforming condition being requested as it does not further aggravate an existing situation nor impacts adjacent residential uses.

In conclusion, Planning Staff offer no objection to either requests being made under Section 45 (1) and 45 (2) of the Planning Act, subject to the conditions set forth being fulfilled.

Respectfully submitted,

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

For questions, please contact:

[Rachel.Suffern@Milton.ca](mailto:Rachel.Suffern@Milton.ca)

Phone: Ext. 2263

## Attachments

Figure 1 - Site Plan and Elevations (A24-026/M)



# The Corporation of the Town of Milton

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File #:  
A24-026/M  
Page 8 of 8

SITE STATISTICS	
ZONE:	RLD1
LOT SIZE:	6,700ft <sup>2</sup> (622.5m <sup>2</sup> )
LOT COVERAGE	
ALLOWABLE	30% = 2,010ft <sup>2</sup> (186.74m <sup>2</sup> )
EXIST. DWELLING	13% = 873ft <sup>2</sup> (81.10m <sup>2</sup> )
PROP. ADDITION	9.3% = 627ft <sup>2</sup> (58.25m <sup>2</sup> )
PROP. PORCH	2.9% = 195ft <sup>2</sup> (18.12m <sup>2</sup> )
TOTAL	25.3% = 1,695ft <sup>2</sup> (157.47m <sup>2</sup> )
EXIST. GARAGE (CONVERTED TO SHED) 2.3% = 160ft <sup>2</sup> (14.86m <sup>2</sup> )	

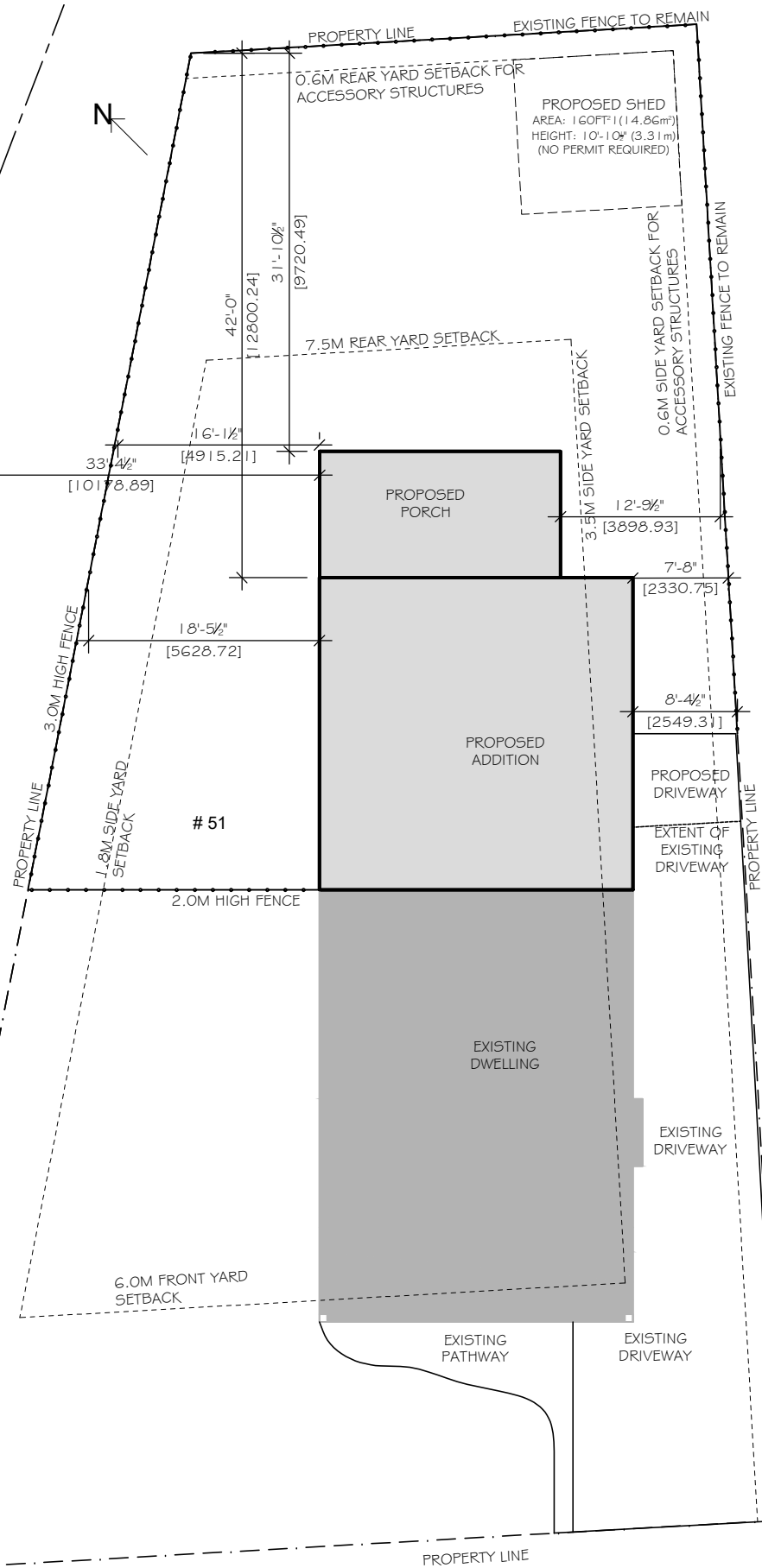
LANDSCAPED OPEN SPACE	
REQUIRED	30%
EXISTING	68%

GRADING:  
EXISTING DRAINAGE PATTERNS  
TO REMAIN.

SCOPE OF WORK:  
PROPOSED ADDITION IN THE REAR YARD  
WITH COVERED PORCH.

EXISTING GARAGE TO BE RELOCATED AND  
CONVERTED TO A SHED w/ NEW  
FOUNDATION

RAILWAY RIGHT OF WAY



**ALANA + KELLY  
DESIGN CO.**

ARCHITECTURAL TECHNOLOGY  
INTERIOR DESIGN

16 Mountainview Rd S, Unit 305  
Georgetown, ON  
L7G 4K1  
Office: 905-873-4993  
Email: info@alanakellydesign.ca  
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DO NOT SCALE DRAWINGS. POSTED DIMENSIONS ARE  
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SUBCONTRACTORS SHALL CHECK AND VERIFY ALL  
DIMENSIONS ON SITE AND REPORT ANY  
DISCREPANCIES TO THE DESIGNER BEFORE ANY WORK  
PROCEEDS. FINAL SHOP DRAWINGS TO BE REVIEWED  
AND APPROVED BY DESIGNER. ALL DRAWINGS ARE THE  
PROPERTY OF THE DESIGNER AND MUST BE RETURNED  
UPON COMPLETION OF THE PROJECT.

PROJECT:

**SNOW RESIDENCE**

51 Court Street N  
Milton, Ontario

DRAWING:

**SITE PLAN - MINOR  
VARIANCE**

SCALE: AS NOTED

REVISIONS:

NO.	DATE	COMMENTS
1	DEC. 12, 2023	DESIGN DRAFT 1
2	DEC. 12, 2023	DESIGN DRAFT 2
3	DEC. 15, 2023	DESIGN DRAFT 3
4	DEC. 18, 2023	DESIGN DRAFT 4
5	JUNE 24, 2024	MINOR VARIANCE

DRAWING #:

**1.01**

1 SITE PLAN - MINOR VARIANCE  
1.01 19/256" = 1'-0" JUNE 14 / 2024

**TOWN OF MILTON  
DEVELOPMENT SERVICES**  
RLD1\*279 ZONE  
ZONING: REVIEWED FOR C of A  
robin.campbell JUN 17, 2024  
ZONING OFFICER DATE

COURT STREET





# ALANA + KELLY DESIGN CO.

ARCHITECTURAL TECHNOLOGY  
INTERIOR DESIGN

16 Mountainview Rd S, Unit 305  
Georgetown, ON  
L7G 4K1  
Office: 905-873-4993  
Email: info@alanakellydesign.ca  
www.alanakellydesign.ca

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PROJECT:

## SNOW RESIDENCE

51 Court Street N  
Milton, Ontario

DRAWING:

## ELEVATIONS

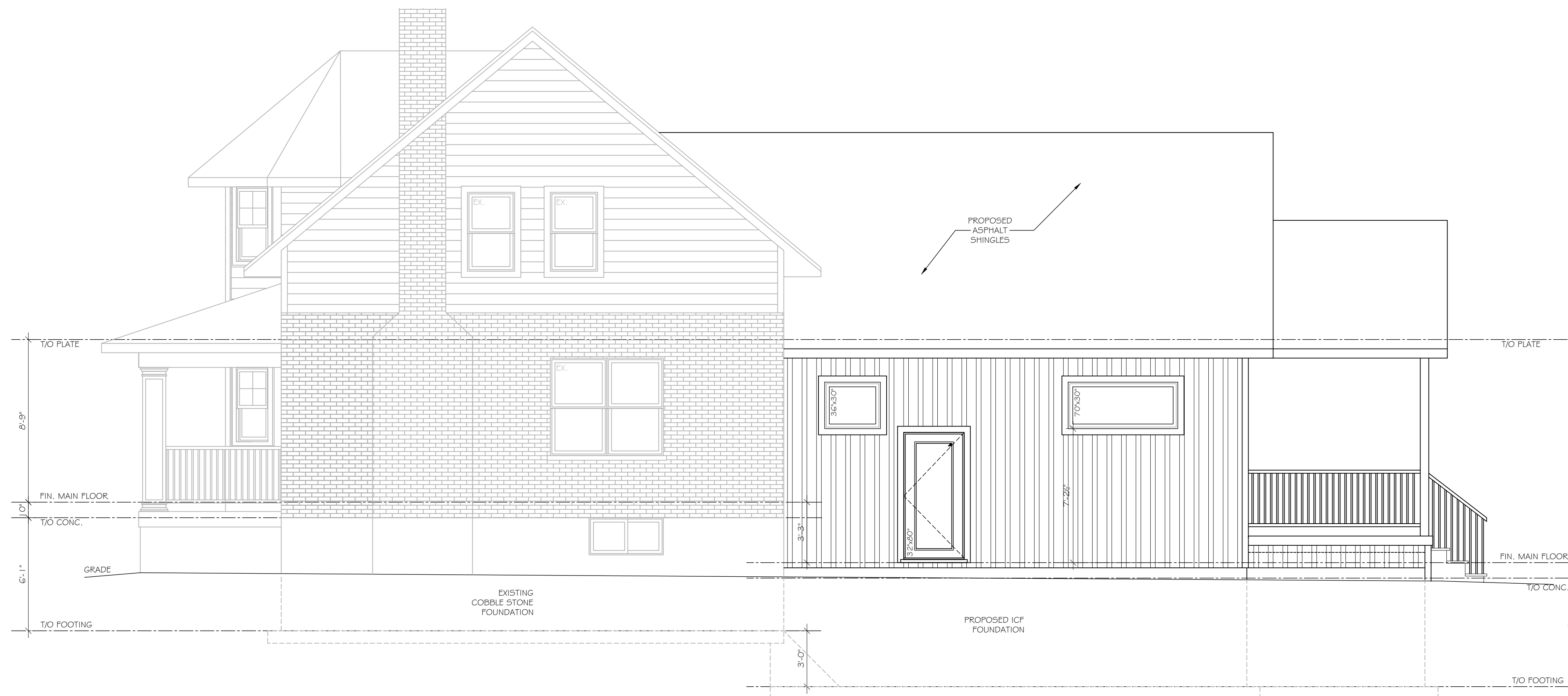
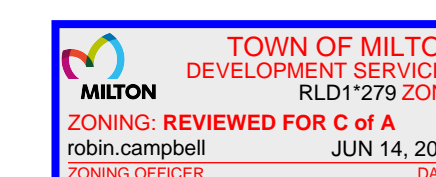
SCALE: AS NOTED

REVISIONS:

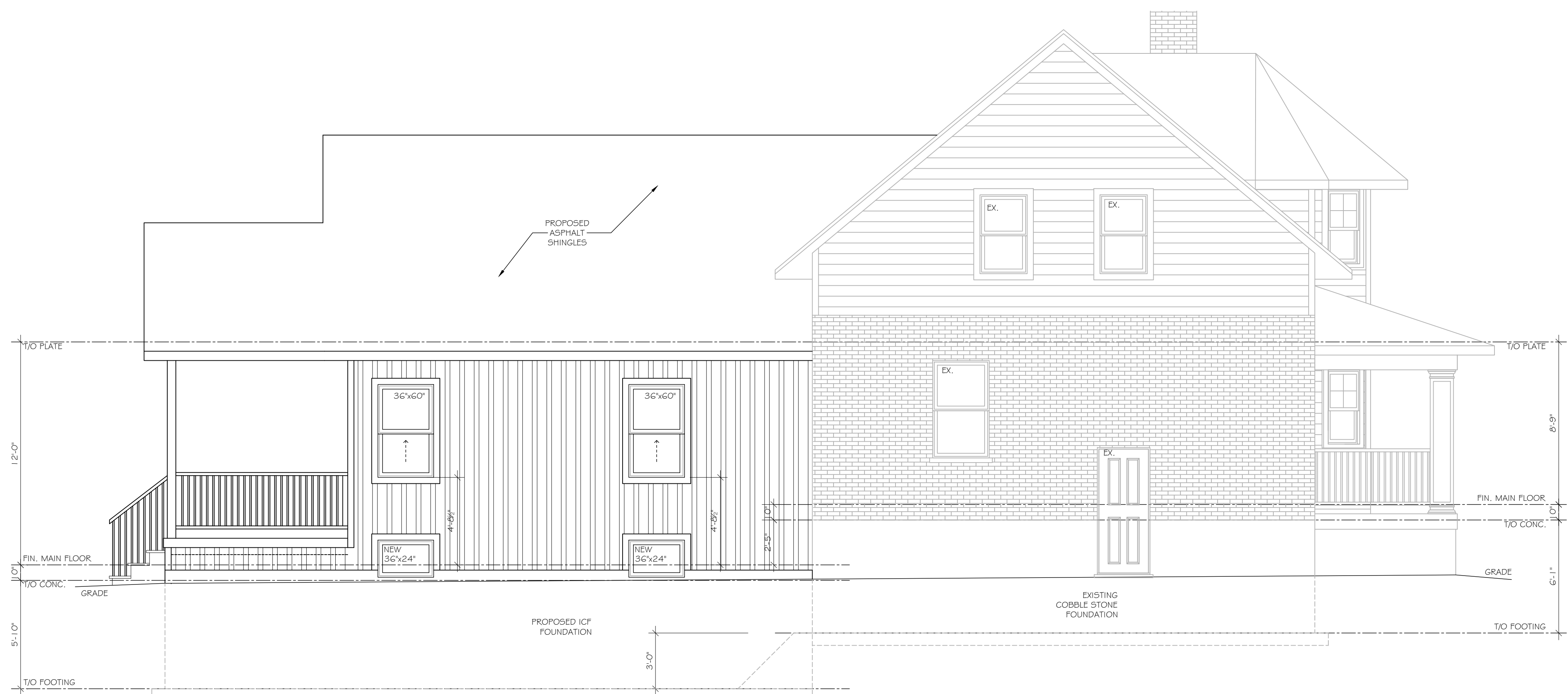
NO.	DATE	COMMENTS
1	MAR 22, 2024	ISSUED FOR PERMIT
2	APR 23, 2024	ISSUED FOR PERMIT
3	JUNE 14, 2024	ISSUED FOR VARIANCE

DRAWING #:

# 2.00



1 NORTH ELEVATION  
2.00 1/4" = 1'-0" MAY 30/2024



2 WEST ELEVATION  
2.00 1/4" = 1'-0" MAY 30/2024





# The Corporation of the Town of Milton

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Report To: Committee of Adjustment and Consent

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From: Development Services

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Date: July 25<sup>th</sup>, 2024

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File No: A24-027/M

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Subject: 12199 Sixth Line Nassagaweya

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

1. That a Building Permit be applied for and received prior to construction of the new single detached dwelling and a demolition permit be received for the existing detached dwelling prior to demolition.
2. That prior to Building Permit issuance for the new single-detached dwelling, the applicant must provide a Letter of Undertaking to the Town of Milton agreeing to:
  - a. Provide a performance guarantee in the amount of \$10,000 to ensure the demolition of the existing single detached dwelling upon completion of the new dwelling.
  - b. Obtain a Demolition Permit for the demolition of the existing dwelling prior to occupancy being granted for the new single detached dwelling.
  - c. Complete all works associated with the demolition of the existing detached dwelling within 90 days of occupancy being granted for the new single detached dwelling.
3. That prior to Building Permit issuance, the applicant provide a detailed Grading Plan, to the satisfaction of Development Engineering.
4. That the approval be subject to an expiry of three (3) years from the date of decision in which time occupancy for the new single detached dwelling must be received.

## General Description of Application

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

- Temporarily permit two residential buildings on a lot, whereas the Zoning By-law only permits one residential building on a lot.

### **General Description of Application**

- Permit an accessory building to have a maximum height of 7.3 metres, whereas the Zoning By-law permits a maximum of 5.5 metres.
- Permit an accessory building to have a total gross floor area of 222 square metres, whereas the Zoning By-law permits a maximum of 93 square metres.

The subject property is municipally known as 12199 Sixth Line Nassagaweya and is generally located north of the Sixth Line Nassagaweya and 20<sup>th</sup> Side Road intersection. Surrounding uses are primarily agricultural and rural residential.

The applicant is proposing to construct a new dwelling as well as a garage with a small upper loft space. The Zoning By-law only permits one residential dwelling on the lot. The applicant is seeking relief in order to reside in the existing dwelling while the proposed dwelling is being built. The intent is that the existing dwelling will be demolished once the proposed dwelling receives occupancy. This is a condition of Planning Staff support. Further, the applicant is seeking relief from the Zoning By-law to permit an increase in both the size and height of the proposed garage.

### **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 above-noted policies, it is Staff's opinion that the proposal is consistent with the Greenbelt Plan and is in conformity with the Town of Milton Official Plan in regard. The proposed development is replacing what currently exists and there is not impact anticipated on the adjacent natural heritage system.

### **Zoning**

The subject property is zoned Rural (A2) and Greenlands A (GA) under Comprehensive Rural Zoning By-law 144-2003, as amended. The general A2 Zone permits agricultural operations and single detached dwellings when located on existing lots.

#### Variance 1: Two Dwellings on One Lot (Temporary)

## Zoning

Section 4.2 i) of the Zoning By-law states that no more than one residential building is permitted on a lot. The applicant is seeking relief to temporarily allow two residential buildings on a lot. The proposed dwelling maintains all other zoning provisions.

### Variances 2 and 3: Increase in Height and Gross Floor Area of an Accessory Structure

Per Section 4.1.2.2 of Zoning By-law, accessory buildings and structures, including detached garages and carports are permitted in any yard on a lot in the Rural Zones and Greenlands Zones provided that:

- i) It maintains the minimum yard requirements of the applicable zone;
- ii) It does not exceed a maximum height of 5.5m or maximum gross floor area of 93m<sup>2</sup>;
- iii) No more than two accessory buildings exists on a lot that has a lot area of 0.8 hectares or less;
- iv) Within a Greenlands A Zone, accessory buildings and structures are not permitted, unless otherwise specified in Section 2.4 of this By-law.?”;
- v) Within a Greenlands A or Greenlands B Zone, accessory buildings and structures are also subject to the Regional Tree Cutting By-law; and,
- vi) Notwithstanding the above requirements, a detached gatehouse or private rural bus shelter of a maximum size of 9.3m<sup>2</sup> with a maximum height of 3.0m is permitted in the front yard, and in the landscape buffer strip required by this By-law provided it is located no closer than 3.0m from any street line.

Zoning Staff have confirmed that with exception of provisions ii), the proposed accessory structure has satisfied these criteria. The applicant is seeking relief to provision ii) to allow a height of 7.3 metres and a gross floor area of 222 square metres.

## Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on July 10<sup>th</sup>, 2024. As of the writing of this report on July 17<sup>th</sup>, 2024, staff have not received any comments from members of the public.

### *Agency Comments*

### Development Engineering

Development Engineering reviewed the proposal and offered no objection, subject to the applicant providing the following information prior to Building Permit issuance. Should the Committee approve this application, the information below has been added as a condition of approval.

## Consultation

The Owner must acknowledge and agree Development Engineering will require a detailed Grading Plan (all proposed features) following the Town of Milton Std. No. E-18. The Town wants to ensure that the increase in lot coverage doesn't have a negative impact on the surrounding area. Want to understand how the additional runoff will be controlled.

- a) A note stating that "Silt controls are to be in place prior to the start of site works, and be maintained for the duration of construction."
- b) A note stating that, "Prior to commencement of any works within municipal road allowance, the Owner is responsible for obtaining all necessary permits from the Engineering Services Department, Town of Milton, for the purposes of vehicular access to the property, (Entrance Permit), and servicing excavations within the municipal road allowance, (Road Occupancy Permit)."
- c) Location of the sediment control fence.
- d) Proposed elevations at building corners, sump pump and downspouts discharge location.
- e) Proposed elevations for the interior property; (driveway, other hard surface edges).
- f) Swale locations, directions and slopes.
- g) The Owner must ensure that the intent of the original drainage pattern is maintained, that any existing external drainage pattern is not impeded and that adjacent properties are not negatively impacted.
- h) The grading plan must ensure that existing elevations at property line are not altered.
- i) Provide the CH (Conservation Halton) letter.

### Halton Region

Halton Region initially recommended a Hydrogeological Assessment be provided to review the anticipated increase in water usage. Given that the subject lands are an existing lot of record and the condition of two dwellings is temporary in nature, Town Planning Staff acknowledge the recommendation but are of the opinion that it is no necessary based on the rationale previously mentioned. Private servicing is reviewed at time of Building Permit issuance and therefore, Planning Staff are satisfied that this matter will be resolved through that review.

## Development Services Comments

The applicants intend to construct a new two-storey dwelling with an attached garage. The lands currently contain a single detached dwelling (that will be demolished upon the new dwelling receiving occupancy). There is a pond located in the front of the property with a woodlot to the rear. The footprint of the new dwelling is proposed immediately to the rear of the existing dwelling and that was previously disturbed.

### Variance 1: Two Dwellings on One Lot (Temporary)

The applicant is requesting relief from the Rural Zoning By-law 144-2003, as amended, to allow two (2) residential dwellings on one lot on a temporary basis. The proposed minor variance is



being requested to allow for the family to reside on the subject property while the proposed single-detached dwelling is being constructed.

It is the opinion of Planning Staff that the application is minor in nature as the allowance for two residential dwellings on single lot will be temporary. The impact of temporarily having two dwellings on the lot will be minimal as there are large setbacks and tree screening to protect the sightlines of surrounding properties.

Planning Staff support all of the conditions recommend by the Development Engineering and further recommends that the applicant enter into an agreement with the Town of Milton to ensure the removal of the existing dwelling. In addition, the provision of a performance guarantee in the amount of \$10,000.00 (plus any administrative costs) will be required to ensure that the Town can complete the removal of the temporary units should the applicant not complete the undertaking themselves. This will further ensure that the site will ultimately contain only one single-detached dwelling and meet the intent of the Town's Official Plan and Zoning By-law.

Variances 2 and 3: Increase in Height and Gross Floor Area of an Accessory Structure

In order to accommodate the proposed three-car garage with an upper loft area, the applicant is requesting increased gross floor area of 222 square metres and a height of 7.3 metres.

It is the opinion of Planning Staff that the increases to height and size are minor in nature and will not impact the surrounding properties. Both the size and height of the garage is appropriate for the lot and is well screened by existing trees on the property.

Based on the aforementioned, Planning Staff have reviewed the requested variances and offer no objection to the approval of this application. The variances are minor in nature, conforms to the general intent of both the Official Plan and Zoning By-law and are desirable for the development and use of the subject property.

Respectfully submitted,  
Madison Polidoro

Planner, Development Review

For questions, please contact:

Madison.Polidoro@Milton.ca

Phone: Ext. 2311



# The Corporation of the Town of Milton

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Report To: Committee of Adjustment and Consent

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From: Development Services

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Date: July 25, 2024

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File No: A-24-028M

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Subject: 836 Maple Avenue

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

1. That the development shall be located and constructed in accordance with the site plan and building elevations, prepared by Alana + Kelly Design Co. date stamped by Town Zoning on June 18th, 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.

## 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 lot coverage on a property to be 31%, whereas the Zoning By-law permits a maximum of 30% lot coverage on lots where the lot area is less than 660 square metres.

The subject property is municipally known as 836 Maple Avenue and is generally located south of the intersection of Thompson Road North and Steeles Avenue East. The subject property contains a single-detached dwelling with an attached garage. Surrounding uses are primarily residential, including single-detached dwellings.

The applicant is proposing to construct a covered porch at the front of the house. The Zoning By-law requires that a maximum of 30% lot coverage is permitted on lots with a lot area less than 660 square metres. The applicant is seeking relief to the Zoning By-law to permit a maximum lot coverage of 31%.



### 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. 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.

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

### Zoning

The subject lands are zoned Residential Low Density VII (RLD7) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD7 zone permits a variety of residential uses, including detached and semi-detached dwellings.

Section 6.2, Table 6B-2 & 6B-2(l) of the Zoning By-law permits a maximum 30% lot coverage for sites with a lot area less than 660 square metres. The intent of this provision is to ensure that the site does not become overdeveloped. The applicant is seeking relief to allow for a maximum lot coverage of 31%.

### Consultation

#### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on July 10th, 2024. As of the writing of this report on July 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 the proposed dwelling, all relevant Zoning By-law provisions must be met, including the maximum lot coverage of 30%. The applicant is requesting permission to increase the lot coverage to 31%.

The proposed lot coverage increase is minor in nature and supportable by Planning Staff. The proposed porch is desirable for the neighbourhood and creates a positive contribution to the property's façade. The proposed porch will further enhance the subject site and the impact to surrounding properties is negligible.

Due to the nature of the application Planning Staff have discussed the request with Development Engineering. Development Engineering Staff have confirmed that despite the increase in lot



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**Consultation**

coverage, the application does not pose any issues relating to stormwater management or drainage and they have no concerns with the application as it stands.

Planning Staff has no objection to the proposal, subject to the conditions set-out above being fulfilled. Therefore, the variance 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  
Planner, Development Review

For questions, please contact:      Madison.Polidoro@Milton.ca      Phone: Ext. 2311





# The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: July 25, 2024

File No: A24-029/M

Subject: 257 Kingsleigh Court

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

1. That a Stormwater Management Brief be provided, to the satisfaction of Development Engineering, prior to Building Permit issuance.
2. That a Building Permit be obtained within two (2) years from the date of this decision; and,
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a Building Permit is not secured.

## General Description of Application

Under Section 45(1) of the Planning Act, the following minor variances to Zoning By-law 144-2003, as amended, have been requested to:

- To permit a lot coverage of 35.6% for a lot with an area less than 660 square metres, whereas the maximum permitted lot coverage on such a lot is 31.5%.
- To permit a maximum building height of 9.42 metres, whereas the maximum permitted height is 9.0 metres.

The subject property is municipally known as 257 Kingsleigh Court and is generally located east of the intersection of Martin Street and Steeles Avenue East. Surrounding uses include single-detached dwellings as well as a park abutting the exterior side and rear yards.

The subject lands currently contain a single detached dwelling with a small shed located in the rear yard. The applicant is proposing to construct a detached dwelling with an attached garage.

## 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. 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.

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

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 zone Site Specific Residential Low Density II Zone (RLD2\*299) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD2\*299 zone permits a variety of residential uses, including detached and semi-detached dwellings.

Section 6.2, Table 6B-1(I) of the Zoning By-law permits a maximum lot coverage of 31.5% for lots with area less than 660 square metres. The lot coverage calculation includes the area of the single detached dwelling and attached garage as well as the covered porches. The applicant is requesting an increased maximum lot coverage of 35.6% (an increase of 4.1%) to accommodate the new dwelling, attached garage and covered porches.

Section 6.2, Footnote \*8 of the Zoning By-law permits a maximum building height of 9 metres. The height calculation is measured from the established grade to peak of roof. The applicant is requesting an increased maximum height of 9.42 metres (an increase of 0.42 metres).

The proposed addition to the second floor complies with all other performance standards in the Zoning By-law.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on July 10<sup>th</sup>, 2024. As of the writing of this report on July 17<sup>th</sup>, 2024, staff have not received any comments from members of the public.

#### *Agency Comments*

#### Development Engineering

Development Engineering requested a Stormwater Management Brief at the time of building permit. Should the Committee of Adjustment approve this application, a condition has been added requiring that the Stormwater Management Brief be provided.

### **Development Services Comments**

In order for a permit to be issued to construct the proposed dwelling, all relevant Zoning By-law provisions must be met, including a maximum lot coverage of 31.5% and maximum height of 9 metres. The applicant is requesting relief from the above-noted provisions by seeking an increased lot coverage of 35.6% and maximum height of 9.42 metres.



## Consultation

Planning Staff is of the opinion that the increase in lot coverage is minor in nature and will not pose a significant impact to neighboring properties. Further, the additional lot coverage does not result in over development and any impact as a result of the lot coverage is negligible in comparison to what is permitted as-of-right. Development Engineering did not have any objections to the application, however they have requested a Stormwater Management Brief for the increased lot coverage to ensure that the proposed dwelling will not create drainage concerns on the subject property or those adjacent. They have also noted that a curb cut entrance permit is required before construction begins.

Planning Staff is of the opinion that the increase in overall height for the proposed dwelling is minor in nature and will not impact the sightlines of adjacent landowners nor neighborhood facade. The dwelling's proposed height reduces towards the rear of the lot which creates a desirable transition and negates visual impact on the adjacent parkland.

Urban Design Staff have reviewed the proposal and are satisfied that it maintains the intent of the Zoning By-law. Further, the proposal represents a positive contribution to the neighborhood and maintains the findings of the Mature Neighborhood Study.

Planning Staff have reviewed the request to allow an increase in lot coverage and maximum height and offer no objection to the proposed variance approval. Planning Staff is 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

Planner, Development Review

For questions, please contact:

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Phone: Ext. 2311



# The Corporation of the Town of Milton

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Report To: Committee of Adjustment and Consent

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From: Development Services

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Date: July 25, 2024

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File No: A-24-033M

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Subject: 3300 15<sup>th</sup> Side Road

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

1. That a Building Permit be applied for and received prior to construction of the new single detached dwelling and a demolition permit be received for the existing detached dwelling prior to demolition.
2. That prior to Building Permit issuance for the new single-detached dwelling, the applicant must provide a Letter of Undertaking to the Town of Milton agreeing to:
  - a. Provide a performance guarantee in the amount of \$10,000 to ensure the demolition of the existing single detached dwelling upon completion of the new dwelling.
  - b. Obtain a Demolition Permit for the demolition of the existing dwelling prior to occupancy being granted for the new single detached dwelling.
  - c. Complete all works associated with the demolition of the existing detached dwelling within 90 days of occupancy being granted for the new single detached dwelling.
3. That the approval be subject to an expiry of two (2) years from the date of decision in which time occupancy for the new single detached dwelling must be received.
4. That a detailed Grading Plan be provided, to the satisfaction of Development Engineering, prior to Building Permit issuance
5. That an entrance permit be acquired prior to construction.

## 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:

- Allow two residential dwellings on a lot, for a temporary period, whereas a maximum of one residential building is permitted on a lot.



### General Description of Application

The subject property is known municipally as 3300 15 Side Road and located on south side of 15 Side Road and near Fourth Line Nassagaweya. The subject property contains a single detached dwelling and three sheds which will be demolished. The applicants have requested permission to allow for the existing home to remain on the property and to have the ability to reside in this home while a new dwelling is built that the family will eventually reside in. Surrounding uses are predominantly agriculture and rural residential.

It should be noted that the above-noted minor variance is strictly requesting permission to allow for two residential buildings to be located on the subject property on a temporary basis. Town staff note that this application was approved by the Committee of Adjustment in June 2022. The application did not comply with the conditions of obtaining a building permit application within two years of the approval, and therefore the approval has lapsed. The application has not undergone any changes since that time.

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

The subject property is designated Agricultural Area in the Town of Milton Official Plan.

The subject property is not within the Town's Prime Agricultural Area. The Agricultural Area designation permits agricultural operations as well as single-detached dwellings on existing lots.

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

### Zoning

The subject lands are zoned Rural (A2) and Greenlands A (GA) under Comprehensive Zoning By-law 144-2003, as amended. In this zone, single detached dwellings and associated accessory structures are permitted. It is important to note that the proposed development is contained to the A2 zone.

Section 4.2 i) of the Zoning By-law states that only one residential building is permitted on a lot. The applicant is requesting permission to allow two residential dwellings for a temporary period of time.

### Consultation

#### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on July 10th, 2024. As of the writing of this report on July 17th, 2024, staff have not received any comments from members of the public.

#### *Agency Comments*



## Consultation

### Development Engineering

The Owner must acknowledge and agree Development Engineering will require a detailed Grading Plan (all proposed features) following the Town of Milton Std. No. E-18. The Town wants to ensure that the increase in lot coverage doesn't have a negative impact on the surrounding area. Want to understand how the additional runoff will be controlled.

- a) Indicate where the existing grade line matches.
- b) Provide the grade at the septic field

Should the application be approved, Planning Staff have included a condition reflecting the above-noted requirement from Development Engineering.

## Development Services Comments

The applicant is requesting relief from the Town's Zoning By-law to allow two residential dwellings on one lot on a temporary basis. The proposed minor variance is being requested to allow for the family to reside on the subject property while the proposed single-detached dwelling is being constructed.

It is notable that, while a portion of the site is zoned Greenlands A Zone, the development is completely contained to the portion of the site that is zoned as Rural (A2).

It is the opinion of Planning Staff that the application is minor in nature as the allowance for two structures on single lot will be temporary. The impact of temporarily having two dwellings on the lot will be minimal as there are large setbacks and tree screening to protect the sightlines of surrounding properties.

Planning staff supports all of the conditions recommend by Building staff and further recommends that the applicant enter into an agreement with the Town of Milton to ensure the removal of the existing dwelling. In addition, the provision of a performance guarantee in the amount of \$10,000.00 (plus any administrative costs) will be required to ensure that the Town can complete the removal of the temporary units should the applicant not complete the undertaking themselves. This will further ensure that the site will ultimately contain only one single-detached dwelling and meet the intent of the Town's Official Plan and Zoning By-law.

Planning staff have reviewed the requested variance and offer no objection to its approval. Planning staff are 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 subject property.

Respectfully submitted,



# The Corporation of the Town of Milton

File #:  
A-24-033M  
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Madison Polidoro  
Planner, Development Review

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# The Corporation of the Town of Milton

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Report To:	Committee of Adjustment and Consent
From:	Rachel Suffern, MPA, M.Sc., MCIP, RPP
Date:	July 17, 2024
File No:	A22-023M (Canadian Tire), A24-031M (Walmart Canada) and A24-032M (First Gulf/Calloway Reit)
Subject:	Milton Crossroads
Recommendation:	<p><b>A22-023M: THAT the application for Minor Variance BE APPROVED.</b></p> <p><b>A24-031M: THAT the application for Minor Variance BE APPROVED.</b></p> <p><b>A24-032M: THAT the application for Minor Variance BE APPROVED; AND THAT the application for an expansion of a legal non-conforming use under Section 45(2) of the Planning Act BE APPROVED.</b></p>

## General Description of Application

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

1. Allow a maximum gross floor area of 43,500 square metres for all buildings, whereas the Zoning By-law currently permits 39,000 square metres (an increase of 4,500 square metres).
2. Allow a maximum cumulative gross floor area of 13,935 square metres for all retail stores, excluding Department Stores, Home Improvement Stores, Specialty Food Stores, and Home and Auto Supply Store whereas the Zoning By-law doesn't currently exclude a Home and Auto Supply Store.
3. Remove the minimum gross floor area requirement for all Retail Stores, whereas the Zoning By-law imposes a minimum gross floor area of 465 square metres for stand-alone Retail Stores and 280 square metres for Retail Stores within a multi-unit building (with a collective maximum gross floor area for all units of 1,395 square metres).
4. Allow a minimum parking requirement of one space per 27 square metres of gross floor area, whereas the Zoning By-law requires one space per 20 square metres of gross floor area.
5. Allow a free-standing light fixture to be mounted at a maximum height of 12.2 metres, whereas the Zoning By-law permits a maximum of 9.5 metres (an increase of 2.7 metres).
6. Allow fencing as an enclosure around Garden Centres, where as the Zoning By-law only permits fencing as an entry feature, land feature in a landscape buffer, or to screen loading/service areas.
7. Allow a maximum fence height of 3.5 metres, whereas the Zoning By-law permits a maximum of 3 metres in non-residential zones (an increase of 0.5 metres).



## General Description of Application

8. Allow a minimum front yard setback of 2 metres for the proposed addition and Garden Centre affecting Building 'B' (a reduction of 3 metres). *Only applies to Canadian Tire Properties Inc.*
9. Allow a minimum landscape buffer of 1.2 metres between the street line abutting Steeles Avenue East and the proposed expansion and Garden Centre affecting Building 'B', whereas the Zoning By-law requires 4.5 metres (a reduction of 3.3 metres). *Only applies to Canadian Tire Properties Inc.*
10. Allow a landing above grade accessing a principal building to be setback a minimum of 1.2 metres from the front lot line whereas the Zoning By-law requires 1.5 metres (a reduction of 0.3 metres). *Only applies to Canadian Tire Properties Inc.*
11. Allow a parking area, excluding parking spaces, to be setback 0 metres from the expansion on the west side of Building 'B', whereas the Zoning By-law requires 1.5 metres (a reduction of 1.5 metres). *Only applies to Canadian Tire Properties Inc.*
12. Allow parking spaces within a parking area to be setback a minimum of 1.2 metres from the expansion on the west side of Building 'B', whereas the Zoning By-law requires a 2.2 metre setback (a reduction of 1.0 metres). *Only applies to Canadian Tire Properties Inc.*

Under Section 45(2) of the Planning Act, the following request to expand a legal non-conforming use has been requested:

13. To expand the Personal Service Shop permission within multi-unit buildings on lands identified as Property Information Number (PIN) 250730174, as shown on Schedule A. *Only applies to First Gulf Milton Centres Limited / Calloway REIT (Milton) Inc.*

The subject lands are municipally known as 1210, 1220, 1230, 1240, 1250, 1280 and 1290 Steeles Avenue East and commonly identified as the Milton Crossroads plaza. The lands are located immediately north of Highway 401 abutting James Snow Parkway and Steeles Avenue East. Access to the plaza is located at James Snow Parkway, Steeles Avenue East, and a private access at the west of the site abutting the adjacent commercial plaza.

The lands are legally comprised of three separate properties (see Figure 1 - Preliminary Site Plan and Ownership):

1. Canadian Tire Properties
2. Walmart Canada Corporation
3. First Gulf Milton Centres Limited & Calloway REIT (Milton) Inc.

At the time of initial development, the lands were under one ownership. Following subsequent consent applications, the site-specific zoning was amended to ensure that the lands would continue to be zoned as one, rather than three separate parcels. As such, the majority of variances being requested apply to the entirety of Milton Crossroads as the three parcels function as a single property. However, there are a number of variances/legal non-conforming expansions only affecting Canadian Tire Properties Inc. and First Gulf / Calloway REIT, respectively. The site-specific relief does not impact the overall function of the site and therefore, is considered within the legal boundaries of each affected property.

The landowners of Milton Crossroads intend to construct two buildings (identified as 'O' and 'N') and additions to the Building 'B'. The landowners intend to each independently apply for Site Plan

## General Description of Application

Approval following the approval of this application. Given how the Zoning By-law is administered across the three parcels (effectively reviewed as one lot), the landowners elected to apply to the Committee of Adjustment to have the files reviewed in context of one another.

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

The subject property is designated as Major Commercial Centre on Schedule B - Urban Land Use Plan and Schedule C.2.B - Milton 401 Industrial Business Park Secondary Plan within the Town of Milton Official Plan and Milton 401 Industrial Secondary Plan.

The Major Commercial Centre designation intends to accommodate a major concentration of commercial facilities servicing the broader regional community. Permitted uses include department, food and retail commercial stores, along with a range of retail, entertainment and recreational uses.

Section 3.4.2.9 of the Official Plan requires that a Market Impact Analysis be provided if new commercial development exceeds 10,000 square metres in size. Given the proposed gross floor area of 4,500 square metres, a Market Impact Analysis is not required and the policies of the Official Plan in this respect are satisfied.

Regarding the request under Section 45 (2) of the Planning Act, 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.”

The proposed Personal Service Shop use cannot be re-located to another area of the lands as it is not an as-of-right permission within the applicable zone. However, the Official Plan contemplates select service commercial uses within the Major Commercial Centre designation



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

and therefore, the use is deemed appropriate as part of Official Plan's vision for this area. It is not anticipated that the expansion of this use will negatively impact the lands nor create a land-use conflict. Given the unit size and configuration of existing buildings, any tenant considered as a Personal Service Shop would be in appropriate proportion to the existing legal non-conforming use. Finally, the plaza provides for adequate off-street parking and pedestrian circulation while having sufficient servicing capacity.

Based on the aforementioned, it is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

### Zoning

#### Section 45 (1) - Minor Variances

The subject lands are zoned site-specific Major Commercial (MC\*103) within the Town's Zoning By-law 016-2014, as amended. In order to facilitate the proposed development, the landowner is seeking relief from the following provisions:

#### Variance 1: Increase in Maximum Gross Floor Area

Section 13.1.1.103 ii) b) of the Zoning By-law permits a maximum gross floor area of 39,000 square metres for all buildings. The applicants are seeking permission to allow a maximum gross floor area of 43,500 square metres for all buildings on the lands.

#### Variance 2: Exclusion of Home and Auto Supply Store from Gross Floor Area Calculation

Section 13.1.1.103 ii) b) ii) of the Zoning By-law permits a maximum gross floor area of 13,935 square metres for all retail stores, excluding department stores, home improvement centers and specialty food stores. The applicants are seeking permission to add Auto Supply Store from the maximum gross floor area calculations (a reduction of 11,553 square metres).

#### Variance 3: Removal of Retail Store Minimum GFA Restrictions

Section 13.1.1.103 iii) b) ii) & iii) of the Zoning By-law requires a minimum gross floor area of 465 square metres for stand-alone Retail Stores and 280 square metres for Retail Stores located within a multi-unit building (with a collective maximum gross floor area for all units of 1,395 square metres in multi-unit buildings). The applicants are seeking to remove the minimum gross floor area requirements for Retail Stores.

#### Variance 4: Parking Reduction

Section 5.8.2 i) Table 5F of the Zoning By-law requires a parking ratio of one space per 20 square metres of gross floor area on lands within the Major Commercial Zone. The applicants are seeking to reduce the parking rate to one space per 27 square metres.

#### Variance 5: Height of Free-Standing Light Fixtures

Section 13.1.1.103 iv) d) of the Zoning By-law states that the maximum permitted height for all free-standing and wall mounted lighting fixtures is 9.5 metres. The applicants are requesting permission to allow free-standing light fixtures to be mounted at a height of 12.2 metres (an increase of 2.7 metres).



## Zoning

### Variance 6: Garden Centre Fencing

Section 13.1.1.103 iv) a) of the Zoning By-law only permits fencing as part of an entry feature, land feature in a required landscape buffer, or to screen loading/service areas. The applicants are seeking to allow fencing as an enclosure around garden centres.

### Variance 7: Maximum Height Fence

Section 4.8.2 i) of the Zoning By-law permits a maximum fence height of 3 metres in non-residential zones. The applicants are requesting a maximum height of 3.5 metres (an increase of 0.5 metres).

### Variance 8: Front Yard Setback *(Only applies to Canadian Tire Properties Inc.)*

Section 7.2 Table 7D of the Zoning By-law states that the minimum required front yard setback is 5 metres. The applicants are requesting permission to allow minimum front yard setback of 1.8 metres (a difference of - 3.2 metres).

### Variance 9: Landscape Buffer *(Only applies to Canadian Tire Properties Inc.)*

Section 13.1.1.103 ii) d) of the Zoning By-law states that a minimum 4.5 metres landscape buffer is required for abutting a street line. The applicants are requesting permission to allow for a minimum 1.2 metres landscape buffer abutting the street line (a reduction of 3.3 metres).

### Variance 10: Stairs and Landing from Front Lot Line *(Only applies to Canadian Tire Properties Inc.)*

Section 4.19.5 i) Table 4H of the Zoning By-law states stairs and landings above grade, accessing a principal building as permitted to encroach into a required front yard to a minimum of 1 metre for stairs and 1.5 metres for landings from the front lot line. The applicants are requesting permission to allow minimum setback of 1.2 metres for stairs and landings from the front lot line (a reduction of 0.3 metres).

### Variance 11: Minimum Setback from Parking Area to a Building *(Only applies to Canadian Tire Properties Inc.)*

Section 13.1.1.103 v) a) of the Zoning By-law states that parking areas shall be setback a minimum of 1.5 metres from a building. The applicants are requesting a setback of 0 metres on the west side of Building B's proposed expansion (a reduction of 1.5 metres).

### Variance 12: Minimum Setback from a Parking Area *(Only applies to Canadian Tire Properties Inc.)*

Section 13.1.1.103 v) b) of the Zoning By-law states that the minimum required setback from parking spaces within a parking area from a building is 2.2 metres. The applicant is requesting permission to allow a minimum setback from parking spaces to a building of 1.2 metres on the west side of Building 'B' (a reduction of 1 metre).

## Section 45 (2) - Expansion of Legal Non-Conforming Condition

The existing Personal Service Shop use located in Building 'C' is considered legal non-conforming as the use was legally established 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.



## Zoning

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 Zoning By-law 016-2014 took effect. As such, it is appropriate to consider the expansion under Section 45 (2) (a) (i) of the Planning Act.

## Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on July 10, 2024. Signage was posted along each entrance to the lands, including Steeles Avenue East, James Snow Parkway, and the shared access with the abutting plaza to the west. As of the writing of this report on July 18, 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.

Halton Region identified a number of requirements that the application must provide prior to development taking place. These requirements are deferred to Site Plan Approval and will be reviewed at such time.

## Development Services Comments

The applicants are seeking minor variances and an expansion of a legal non-conforming use to facilitate: a proposed addition to Building 'B' being Canadian Tire, a proposed restaurant identified as Building 'O', and a proposed multi-unit retail building identified as Building 'N'. Physical development will not proceed until such time that Site Plan Approval is granted and Building Permits are secured.

### Section 45 (1) - Minor Variances

The subject lands are zoned site-specific Major Commercial (MC\*103) within the Town's Zoning By-law 016-2014, as amended. In order to facilitate the proposed development, the applicants are seeking relief from the following provisions:

#### Variance 1: Increase in Maximum Gross Floor Area

With the proposed addition of Buildings 'O' and 'N', along with the proposed additions on Building 'B', the applicant exceeds the maximum gross floor area set-out in the site specific zone permissions. Through the preliminary site plan, the applicant has demonstrated that the additional gross floor area does not result in over-development of the site and remains functional so far as



## Consultation

circulation and functionality. As such, Planning Staff offer no objection as the increase is both minor and appropriate for the lands.

### Variance 2 and 3: Gross Floor Area Calculation and Minimum Restrictions

The maximum gross floor area permissions were initially imposed through the 2003 development applications and were based on a Market Impact Analysis. The intent of the market review at that time was to ensure that the retail uses locating at Milton Crossroads would not impact the downtown core and its economic viability. By limiting the gross floor area associated with specific retail uses, the intent was to attract regional-level commercial opportunities and limit the re-location of smaller retail uses from the downtown core to this site. Since that time, the market study that informed the initial policies has become outdated and the development's lifespan has demonstrated that the plaza (and the various commercial uses within) does not impact the downtown core's economic viability and sense of place. As such, Planning Staff are of the opinion that both variances are minor in nature and are desirable for the site as the original intent of both the Official Plan and Zoning By-law are maintained.

### Variance 4: Parking Reduction

The applicants provided a Parking Justification Report prepared by Dillon Consulting to justify a reduced parking rate of one space per 27 square metres. The consultant underwent a parking occupancy survey at peak hours to determine the overall parking demand. The conclusions of the findings, along with empirical data, demonstrated that the proposed parking rate equates to an adequate supply for the subject lands. Planning Staff further note that the parking provided for the plaza is communal and therefore shared across all three properties (First Gulf/Calloway REIT, Canadian Tire and Walmart). The Town's Transportation Staff have reviewed the Parking Justification Report and offer no objection.

### Variance 5: Height of Free-Standing Light Fixtures

This provision is included in the Town's Zoning By-law to minimize light spillage and to ensure that lighting is controlled and appropriate for the proposed setting. Given the location of the proposed light fixtures, Planning Staff have no concerns with the proposed increase in height as the fixtures will provide sufficient lighting for the commercial area and will not impact adjacent employment land uses.

### Variance 6: Garden Centre Fencing

The proposed garden centre enclosure at Building 'B' is proposed as a fence. Planning Staff are of the opinion that this is an appropriate enclosure structure for this use and offer no concerns in that regard. The permission has been extended to the balance of the subject lands so that in future if other large retailers contemplate a garden centre, fencing could be used as-of-right for the enclosure.

### Variance 7: Maximum Height Fence

The requested increase in height is minor in nature and negligible beyond any impact that the fence would otherwise have should the permitted height be maintained. The additional height does not impact adjacent lands in way of disruption, nor does it create sightline conflicts given the permitted locations.



## Consultation

### Variance 8: Front Yard Setback *(Only applies to Canadian Tire Properties Inc.)*

The applicants are seeking a reduced front yard setback at the north-east corner of the Building 'B' as a result of the addition's proposed siting in relation to the future expansion of Steeles Avenue East. Given the pinch point only exists at this portion of the building, Planning Staff offer no objection to the approval of this variance. The reduction is minor and will only apply to a portion of the building, therefore maintaining the intent of the Zoning By-law and accommodating the future expansion of Steeles Avenue East.

### Variance 9: Landscape Buffer *(Only applies to Canadian Tire Properties Inc.)*

The landscape buffer being proposed, while lower than what is required, will still allow for enhanced plantings and the intent of the landscape buffer will be met. The reduction is a result of the addition to Building 'B' in relation to the Steeles Avenue East expansion. A Landscape Plan will be required as part of a future site plan application through which Planning Staff will ensure the provision of enhanced landscaping is provided.

### Variance 10: Stairs and Landing from Front Lot Line *(Only applies to Canadian Tire Properties Inc.)*

This variance is a result of the proposed expansion of Steeles Avenue East in relation to the siting of the proposed addition to Building 'B'. The stairs and landings are for utility purposes and are not intended for primary access to the building. The primary entrance for patrons remains located at the front of Building 'B' towards the interior of the site, in addition to loading access along the western side of the building. Planning Staff offer no objection to this request.

### Variances 11 and 12: Minimum Setback from Parking Area *(Only applies to Canadian Tire Properties Inc.)*

The proposed parking located at the west side of Building 'B' requires relief with respect to setbacks from a building. The area provides additional overflow parking for the site. Transportation and Planning Staff have no concerns with the requested variances as the pedestrian and vehicular traffic in this area will be limited. Further, pedestrian walkways will remain available for safe circulation to the building's main entrance.

### Section 45 (2) - Expansion of Legal Non-Conforming Condition

A Personal Service Shop is currently located in a unit within Building 'C' and was permitted through the initial zoning applied to the site. The continuation and expansion of such use on the First Gulf / Calloway REIT lands does not impact the overall function of the plaza nor create a land-use conflict. Based on this, Planning Staff offer no objection to expanding the legal non-conforming use being requested as it does not further aggravate an existing situation and complements existing commercial uses.

In conclusion, Planning Staff offer no objection to either requests being made under Section 45 (1) and 45 (2) of the Planning Act, subject to the conditions set forth being fulfilled.

Respectfully submitted,

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



# The Corporation of the Town of Milton

File #:  
Milton Crossroads  
Page 9 of 9

For questions, please contact:

[Rachel.Suffern@Milton.ca](mailto:Rachel.Suffern@Milton.ca)

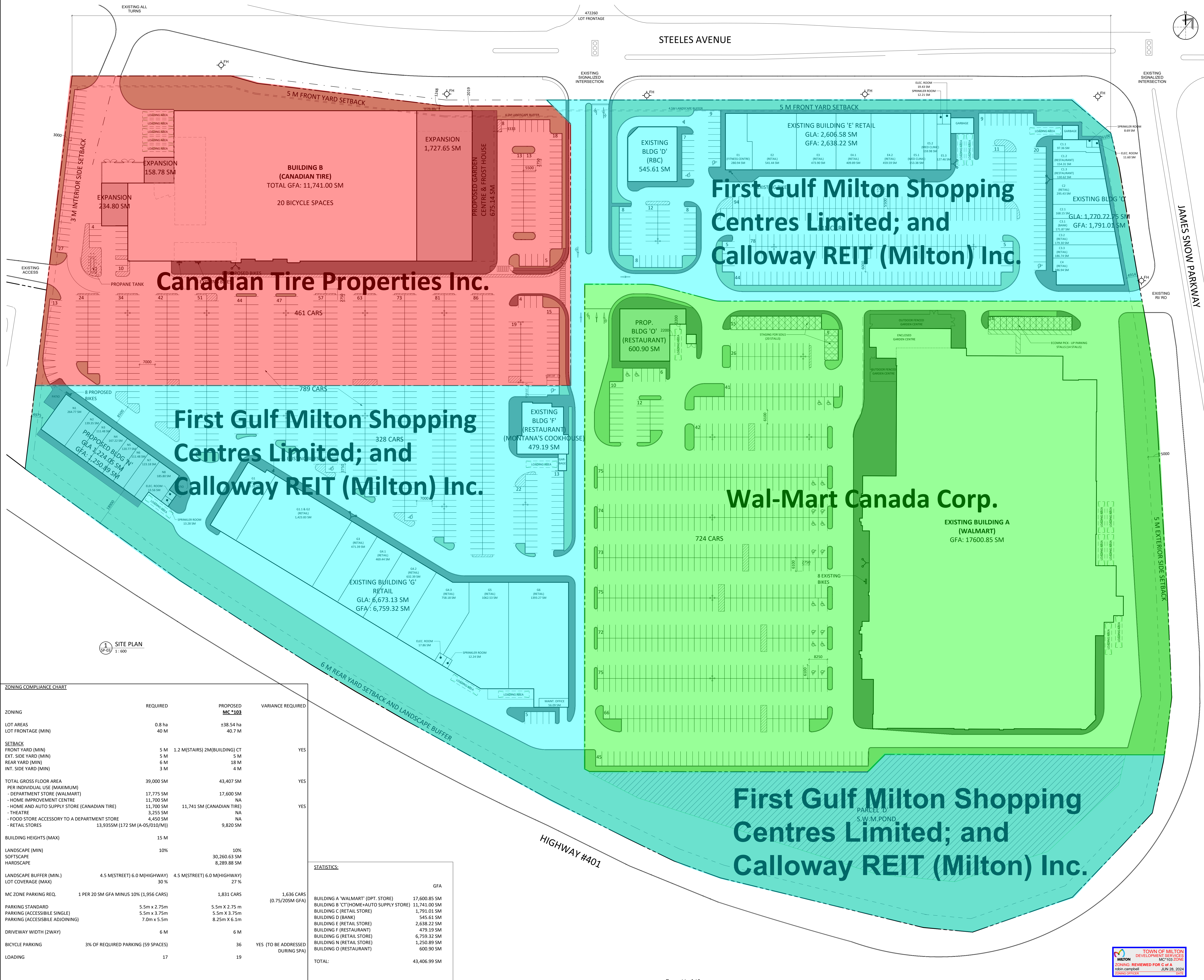
Phone: Ext. 2263

## Attachments

Figure 1 - Preliminary Site Plan and Ownership

Schedule A - First Gulf Milton Centres Limited / Calloway REIT (Milton) Inc. Lands





**Canadian Tire Properties Inc.**

**First Gulf Milton Shopping Centres Limited; and Calloway REIT (Milton) Inc.**

**First Gulf Milton Shopping Centres Limited; and Calloway REIT (Milton) Inc.**

**Wal-Mart Canada Corp.**

**First Gulf Milton Shopping Centres Limited; and Calloway REIT (Milton) Inc.**

1 SITE PLAN  
SP-03 1:600

ZONING COMPLIANCE CHART	REQUIRED	PROPOSED <b>MC*103</b>	VARIANCE REQUIRED
LOT AREAS	0.8 ha	138.54 ha	
LOT FRONTAGE (MIN)	40 M	40.7 M	
SETBACK			
FRONT YARD (MIN)	5 M	1.2 M(STAIRS) 2M(BUILDING) CT	YES
EXT. SIDE YARD (MIN)	5 M	5 M	
REAR YARD (MIN)	6 M	18 M	
INT. SIDE YARD (MIN)	3 M	4 M	
TOTAL GROSS FLOOR AREA	39,000 SM	43,407 SM	YES
PER INDIVIDUAL USE (MAXIMUM)			
- DEPARTMENT STORE (WALMART)	17,775 SM	17,600 SM	
- HOME IMPROVEMENT CENTRE	11,700 SM	NA	
- HOME AND AUTO SUPPLY STORE (CANADIAN TIRE)	11,700 SM	11,741 SM (CANADIAN TIRE)	YES
- THEATRE	3,255 SM	NA	
- FOOD STORE ACCESSORY TO A DEPARTMENT STORE	4,450 SM	NA	
- RETAIL STORES	13,935SM (172 SM (A-05/010/M))	9,820 SM	
BUILDING HEIGHTS (MAX)	15 M		
LANDSCAPE (MIN)	10%	10%	
SOFTSCAPE		30,260.63 SM	
HARDSCAPE		8,289.88 SM	
LANDSCAPE BUFFER (MIN.)	4.5 M(STREET) 6.0 M(HIGHWAY)	4.5 M(STREET) 6.0 M(HIGHWAY)	
LOT COVERAGE (MAX)	30%	27%	
MC ZONE PARKING REQ.	1 PER 20 SM GFA MINUS 10% (1,956 CARS)	1,831 CARS	1,636 CARS (0.75/20SM GFA)
PARKING STANDARD	5.5m x 2.75m	5.5m x 2.75 m	
PARKING (ACCESSIBLE SINGLE)	5.5m x 3.75m	5.5m x 3.75m	
PARKING (ACCESSIBLE ADJOINING)	7.0m x 5.5m	8.25m x 6.1m	
DRIVEWAY WIDTH (2WAY)	6 M	6 M	
BICYCLE PARKING	3% OF REQUIRED PARKING (59 SPACES)	36	YES (TO BE ADDRESSED DURING SPA)
LOADING	17	19	

STATISTICS:	GFA
BUILDING A (WALMART) (DPT. STORE)	17,600.85 SM
BUILDING B (CT) (HOME-AUTO SUPPLY STORE)	11,741.00 SM
BUILDING C (RETAIL STORE)	1,791.01 SM
BUILDING D (BANK)	545.61 SM
BUILDING E (RETAIL STORE)	2,638.22 SM
BUILDING F (RESTAURANT)	479.19 SM
BUILDING G (RETAIL STORE)	6,759.32 SM
BUILDING H (RETAIL STORE)	1,250.89 SM
BUILDING O (RESTAURANT)	600.90 SM
<b>TOTAL:</b>	<b>43,406.99 SM</b>

DATE	ISSUED FOR MINOR VARIANCE	DESCRIPTION	BY
2024-05-06	JK		

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**SITE PLAN**

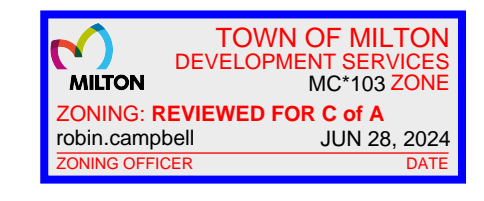
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**MILTON CROSSING**

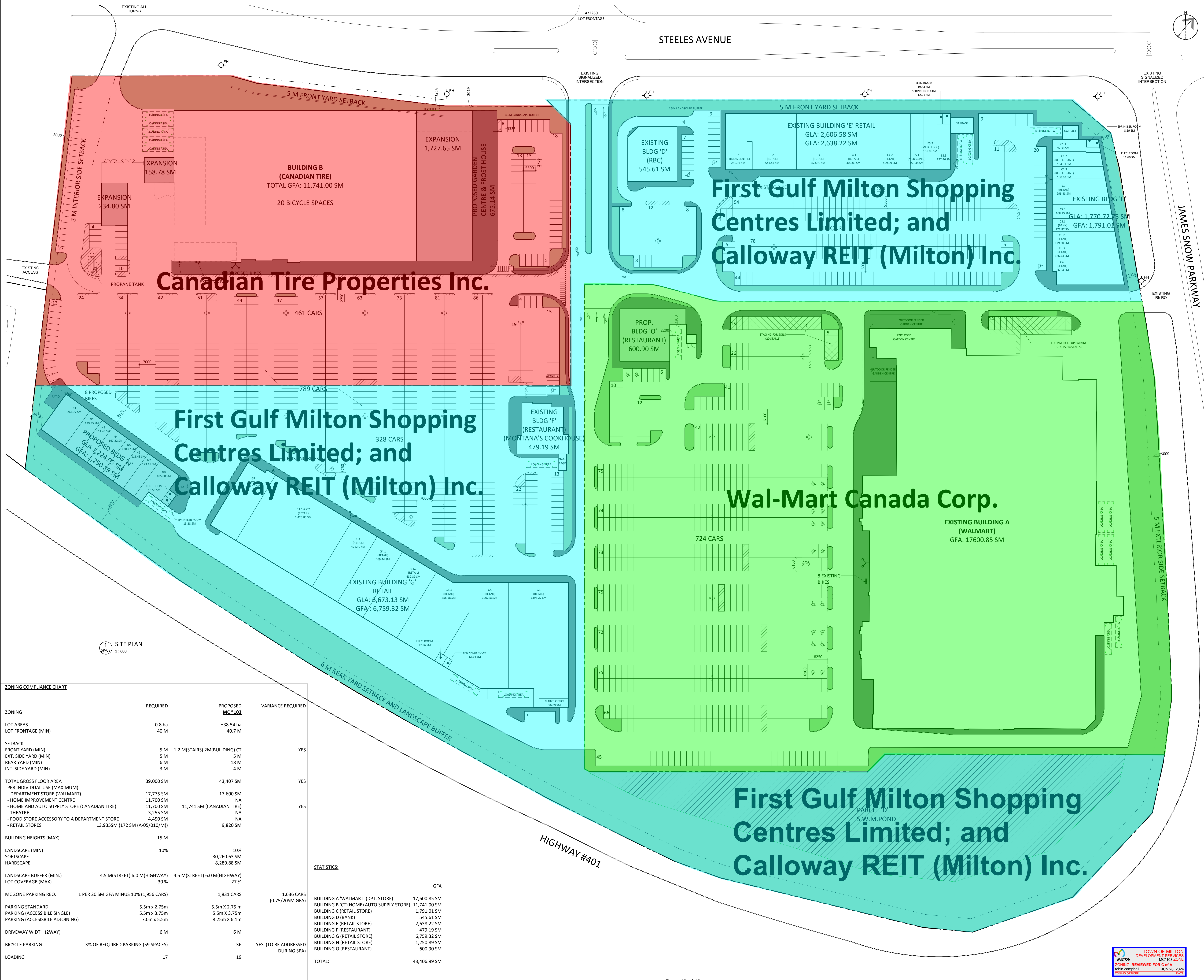
ADDRESS: JAMES SNOW PARKWAY & STEELES AVENUE  
MILTON, ONTARIO  
CLIENT: FIRST GULF

**PETROFF PARTNERSHIP ARCHITECTS**  
**PETROFF**  
260 TOWN CENTRE BLVD. SUITE 300  
MARKHAM ONTARIO CANADA L3R 8H8  
TEL. 905.470.7000 FAX. 905.470.2500

Drawn:	AW	PROJECT Number
Check:	JK	24062.00
Date:	24/04/22	Drawing No.
Issued Date:	24/04/22	SP-03







**Canadian Tire Properties Inc.**

**First Gulf Milton Shopping Centres Limited; and Calloway REIT (Milton) Inc.**

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**SITE PLAN**

Scale: 1:600

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Issued Date:	24/04/22	SP-03

TOWN OF MILTON DEVELOPMENT SERVICES  
ZONING REVIEWED FOR C & A  
robin.campbell JUN 28, 2024  
ZONING OFFICER DATE