



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

Thursday, August 22, 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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A Minor Variance is being requested to accommodate the demolition of an existing dwelling and accessory structure and to construct a new 2-storey dwelling with a covered porch as well as a pool and cabana in the rear yard. The Applicant is seeking relief from the Zoning By-law to permit an increase in the maximum lot coverage.	

- 5.4 A24-036/M 422 Woodward Avenue 19  
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- 5.5 A24-037/M 1171 McEachern Court 22  
A Minor Variance is being requested to accommodate the construction of 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 .

**6. NEXT MEETING**

Thursday, September 26, 2024 commencing at 6:00 p.m.

**7. ADJOURNMENT**



The Corporation of the  
Town of Milton  
Committee of Adjustment Minutes

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

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

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

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1. **AGENDA ANNOUNCEMENTS / AMENDMENTS**
2. **DISCLOSURE OF PECUNIARY INTEREST**
3. **HOUSEKEEPING ITEMS**
4. **MINUTES**

4.1 **Minutes from Committee of Adjustment June 27, 2024**

**THAT** the minutes from the Committee of Adjustment Hearing held on June 27, 2024 be **APPROVED**

**Carried**

5. **ITEMS FOR CONSIDERATION**

5.1 **A24-026/M 51 Court Street N.**

Agent Alana Nielsen of Alana + Kelly Design Co. gave an overview of the application.

Member Elahi requests clarification from Planner Suffern.

**THAT Minor Variance Application A24-026/M BE:**

**APPROVED with Condition(s):**

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.

**Carried**

**5.2 A24-027/M 12199 Sixth Line Nassagaweya**

The Applicant gave an overview of the application.

Member Trambino asks the Applicant for clarification.

Chair Klug asks the Applicant for clarification.

**THAT Minor Variance Application A24-027/M BE:**

**APPROVED with Condition(s):**

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.

**Carried**

### **5.3 A24-028/M 836 Maple Avenue**

Agent Alana Nielsen of Alana + Kelly Design Co. provides an overview of the application.

Member Elahi asks the Agent for clarification on the location of the proposed porch.

**THAT Minor Variance Application A24-028/M BE:**

**APPROVED with Condition(s):**

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.

**Carried**

### **5.4 A24-029/M 257 Kingsleigh Court**

Agent Lindsey Bruce of SmpI Design Studio provides an overview of the application, including a PowerPoint presentation.

Member Elahi asks the Agent for clarification on a height dimension.

Town Resident Catherine Drennan addresses concerns of application to the Committee.

Member Elahi addresses Resident Drennan.

Agent Bruce rebuttals with closing remarks.

**THAT Minor Variance Application A24-029/M BE:**

**APPROVED with Condition(s):**

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.

**Carried**

## **5.5 A24-033/M 3300 15 Side Road**

Agent Saba Al-Mathno of QBS Architects provides an overview of the application.

Planner Polidoro provides a preamble of the file with respect to the variance requested as well as noted information about the property's permitted uses to which will be differed to By-law Enforcement.

Resident Merryl Hodnett speaks in opposition to the application.

Resident Carolyn Malec speaks in opposition to the applicaiton.

Member Elahi addresses Resident Malec with a question.

Agent Al-Mathno rebuttals with closing remarks.

**THAT Minor Variance Application A24-033/M BE:**

**APPROVED with Condition(s):**

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.

**Carried**

**5.6 A22-023/M, A24-031/M, & A24-032/M 1210-1290 Steeles Avenue East**

Agent David McKay of MHBC provides and overview of the application.

**THAT Minor Variance Application A22-023/M, A24-031/M, and A24-031/M BE:**

**APPROVED**

**Carried**

**6. NEXT MEETING**

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

7. **ADJOURNMENT**

The Hearing is adjourned at 6:51 PM

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Scott Corbett, Secretary Treasurer





# The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: August 22, 2024

File No: A24-034M

Subject: 1316 Britton Crescent

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

## General Description of Application

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

- Requesting permission to allow for the rear yard setback to be 1.21 metres, whereas the Zoning By-law requires a minimum of 3 metres.

The subject property is known municipally as 1316 Britton Crescent and is generally located south east of the intersection of Louis St. Laurent Avenue and Regional Road 25. At this time, the subject property contains a single-detached dwelling with an attached garage. The applicant is proposing to build a rear porch/veranda (patio cover on top of an existing concrete slab) in the rear yard.

Planning Staff had conversations with the agent on file to discuss the proposed development during the pre-submission process. Planning Staff encouraged the agent to increase the rear yard setback. The agent conferred with the applicants and have decided to proceed with the original request of a reduced rear yard setback of 1.21 metres.

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

The subject property is designated Residential Area on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan and is further designated Residential Area within the Boyne Survey Secondary Plan. These designations establish 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.

There are a number of sections of the Official Plan that speak to ensuring that development maintains appropriate setbacks and buffering. The Boyne Survey Secondary Plan, has several policies that further speak to the importance of maintaining appropriate setbacks in the residential area.



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

It is Staff's opinion that the proposal is not in conformity with the Town of Milton Official Plan. The proposed reduction in the rear yard setback does not align with the policies of the Official Plan and is not sympathetic to neighbouring lots.

### Zoning

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1\*220) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*220 zone permits a variety of residential uses, including detached and townhouse dwellings.

Section 4.19.5 i), Table 4H of the Zoning By-law requires a rear yard setback of 3 metres. The proposed structure encroaches in to the rear yard setback, leaving a setback of 1.21 metres.

### Consultation

#### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on August 7<sup>th</sup>, 2024. As of the writing of this report on August 14<sup>th</sup>, 2024, staff have not received any comments from members of the public.

#### *Agency Consultation*

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

### Development Services Comments

The applicant has requested a minor variance to facilitate the construction of a proposed porch/veranda. The subject property currently contains a single detached dwelling and an accessory structure.

As noted above, Town Staff met with the agent to discuss the proposed development and expressed concerns regarding the requested variance given the size and scale of the proposed structure in context of the rear yard. Since then, the applicant has elected to proceed with their proposal, despite Planning Staff's concerns and position that the request did not maintain the four-tests of a minor variance.

The proposed reduction to the rear yard setback is not minor in nature nor does it align with the general intent of the Official Plan or Zoning By-law. The intent of this provision is to ensure that there is an adequate setback to protect for access throughout the lot, ensure rear yard amenity space and to minimize impacts on adjacent lands.

Planning Staff is of the opinion that the scale of the proposed porch is too large for the lot - specifically the size of the rear yard - and would be considered over-development. Minimal amenity space would be provided in the rear yard should the proposed structure be constructed. Further, the reduced setback is not desirable for the use of the subject property and will have adverse impacts on neighbouring properties by way of privacy and sightlines.



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**Consultation**

Planning Staff have reviewed the requested variance and recommend that the file be refused. Planning Staff is of the opinion that the requested variance is not minor in nature, does not conform to the general intent of the Official Plan and Zoning By-law and is not desirable for the development and use of the subject property.

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: August 22, 2024

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File No: A24-030M

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Subject: 1276 Robson Crescent

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

1. That prior to Building Permit issuance, the applicant provide downspout locations on the structure, to the satisfaction of Development Engineering;
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 variance to Zoning By-law 016-2014, as amended, has been requested to:

- Permit a setback of 0.35 metres from the rear lot line to the accessory structure, whereas the Zoning By-law requires a minimum of 0.60 metres.
- Permit a setback of 0.35 metres from exterior side lot line to the accessory structure, whereas the Zoning By-law requires a minimum of 0.60 metres.
- Permit an accessory structure with a total gross floor area of 12.12 square metres, whereas the Zoning By-law permits a maximum of 10 square metres.

The subject property is municipally known as 1276 Robson Crescent and is generally located east of the intersection of Thompson Road South and Derry Road. The subject property contains a semi-detached dwelling with an attached garage. Surrounding land use is primarily residential, comprised of semi-detached dwelling units.

The applicant is proposing to construct an accessory structure in the back yard of the property. The Zoning By-law requires that accessory buildings have a maximum gross floor area of 10 square metres on properties zoned RMD1. The applicant is seeking relief from the Zoning By-law to permit a maximum gross floor area of 12.12 square metres. Accessory structures are also required to have setbacks of 0.60 metres. The applicant is seeking relief from the Zoning By-law to permit a setback from both the rear and exterior side lot lines.



### 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 further designated as a Residential Area within the Bristol Survey Secondary Plan. This designation establishes that the primary use of land shall be a mix of low, medium and high density residential development. A variety of medium and high density residential uses are permitted.

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 Medium Density Residential 1 \* 220 (RMD1\*220) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1 zone permits a variety of residential uses.

Section 4.2.1 Table 4A of the Zoning By-law permits a maximum Total Gross Floor Area of Accessory Buildings and Structures in the RMD1 zone to be 10 square metres. This section further establishes the requirement for a 0.6 metre setback from both the rear and in exterior side lot line. The applicant is seeking relief to allow for an accessory structure to have a total gross floor area of 12.12 square metres. Further the applicant is requesting relief to allow a 0.35 metre setback to the accessory structure from both the exterior side and rear lot lines.

### Consultation

#### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on August 12<sup>th</sup>, 2024. As of the writing of this report on August 14<sup>th</sup>, 2024, Planning Staff have not received any comments from members of the public.

#### *Agency Comments*

#### Development Engineering

Development Engineering has reviewed the application and has no objection to the application. However, they have requested that the location of downspouts be indicated (if any), on the plans at time of permit.

### Development Services Comments

The accessory structure is a small garden shed that will be primarily used as storage. In order for a Building Permit to be issued to construct the proposed accessory structure, all relevant Zoning By-law provisions must be met, including the maximum size of 10 square metres and a minimum 0.6 metre setback requirement from both the rear and exterior side lot lines. The applicant is



## Consultation

requesting permission to increase the size of the accessory structure by 2.12 square metres and allow for a reduction to the above noted setbacks by 0.25 metres.

The additional gross floor area being requested is minor in nature - the proposed 2.12 square metres does not result in overdevelopment of the lot and the accessory structure will remain clearly secondary to the principle dwelling. Despite the presence of the structure, there will still be ample amenity space in the rear yard.

Planning Staff have conferred with Development Engineering Staff regarding the reduced setbacks as this warrants additional review from a drainage and stormwater run-off perspective. Development Engineering did confirm that due to the sheds location, the reduced setbacks were supportable by Staff and did not pose a concern as the run-off can be accommodated on site and is directly adjacent to the public boulevard located at the exterior side yard. Development Engineering Staff did request that at the time of permit the applicant must provide the location of downspouts, if any.

Based on the aforementioned, 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: August 22, 2024

File No: A24-035M

Subject: 399 Bell Street

**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.
3. That a Detailed Grading Plan and a Stormwater Management brief be provided, to the satisfaction of Town Engineering Staff, at the time of building permit

## General Description of Application

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

- Requesting permission to allow the lot coverage on a property to be 30%, whereas the Zoning By-law permits a maximum of 25% lot coverage where the lot coverage is between 660 and 830 square metres.

The subject property is known municipally as 399 Bell Street and is generally located north-west of the intersection at Derry Road and Ontario Street South. The subject property contains a single detached dwelling and a detached accessory structure. Surrounding uses are primarily residential, including single-detached dwellings.

The applicant is proposing to demolish the existing dwelling and accessory structure and construct a new 2-storey dwelling with a covered porch as well as a pool and cabana in the rear yard. The Zoning By-law requires that a maximum of 25% lot coverage is permitted on lots with a lot area between 660 and 830 square metres. The applicant is seeking relief to the Zoning By-law to permit a maximum lot coverage of 30%.

## 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



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

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 Site Specific Residential Low Density III (RLD3\*300) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD3\*300 zone permits a variety of residential uses, including a detached and semi-detached dwellings.

Section 6.2, Table 6B-1(I) of the Zoning By-law permits a maximum lot coverage of 25% for lots with an area between 660 and 830 square metres. The lot coverage calculation includes the existing dwelling and garage as well as the proposed extension and proposed porch. The applicant is requesting an increase in the maximum lot coverage to 30% (an increase of 5%) to accommodate the proposed extension and porch.

Foregoing the provision-noted above, the proposal complies with all other provisions in the Zoning By-law.

### Consultation

#### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on August 7<sup>th</sup>, 2024. As of the writing of this report on August 14<sup>th</sup>, 2024, staff have not received any comments from members of the public.

#### *Agency Consultation*

#### Development Engineering

Please be advised that Development Engineering reviewed the above noted application to increase in lot coverage for proposed storey dwelling.

Please be further advised that Development Engineering has no objection to the approval of this application; however, the Owner must acknowledge and agree that at time of Building Permit, Development Engineering will require the following information:

1. Stormwater Management Brief/Memo outlining what SWM measures will be installed to mitigate the impact of the added impervious surface, how they will function, and why they are appropriate for the site. The memo should be reviewed and stamped by a Professional Engineer. Please include any details of the SWM measure.
2. A curb cut entrance permit is required before construction begins.
3. Ensure no additional runoff to the park.
4. Display service connection on the grading plan.



### Consultation

5. Sump and downspout locations.
6. Swale locations, directions and slopes.
7. Add a note indicating whether exporting or importing material.

### Development Services Comments

Through this application, the owners are proposing a new two-storey single-detached dwelling with an attached garage, swimming pool to the rear and an accessory structure. The dwelling will include an elevator and other accessible features to accommodate the owners' personal family needs.

The applicant has requested a minor variance to increase the maximum lot coverage to 30%, whereas 25% is permitted. The requested relief is to accommodate the inclusion of various accessibility elements and a secondary furnace within the dwelling. Existing mature tree coverage to the rear and east minimize any impact the two storey dwelling may have on adjacent properties. Further, to the rear of the property is parkland that Planning Staff feel will not be impacted by the proposed development.

Planning Staff is of the opinion that the increase in lot coverage is minor in nature and will not pose a significant impact to neighbouring properties. With the exception of lot coverage, the proposed as-of-right dwelling is respective of setback provisions, maximum height provisions and all other zoning provisions. The dwelling will not exceed what Planning Staff feel is an appropriate level of development on the subject property. Further to, the requested variance is minor as the additional area to be developed (to accommodate additional lot coverage) is not considered a significant increase beyond the dwelling currently existing.

While not contemplated through the application of the four tests of a minor variance, Planning and Urban Design Staff were consulted prior to submission to ensure the proposal maintained the intent of the Mature Neighbourhood Study. Through the original review, the applicant revised the proposal to minimize the required variances (i.e. adjusting height to comply with the Zoning By-law) and modified the design to reduce the impact of the dwelling on the surrounding neighbourhood. Urban Design Staff noted that while the proposed dwelling introduces increased lot coverage, it is compensated with a design that strives to minimize the overall perception of the dwelling in terms of façade and be sensitive in its contribution to maintaining the neighbourhood character.

Development Engineering did not have any objection to the application, however did request a detailed Grading Plan demonstrating the location of downspouts as well as swale location, direction, and slopes. Further Development Engineering requested a Stormwater Management Brief due to the increase in lot coverage to assure the proposed addition will allow for proper



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### Consultation

drainage that is contained to the site. All plans requested by Development Engineering Staff, must be provided prior to Building Permit issuance, as recommended through the conditions of approval.

Based on the aforementioned, Planning Staff offer no objection to the variance being requested. 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:    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: 8/14/2024

File No: A24-036/M

Subject: 422 Woodward Avenue

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

1. That a detailed Grading Plan and a Stormwater Management Brief be provided, to the satisfaction of Town Engineering Staff, at the time of building permit.
2. That a Building Permit 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 permit:

- Requesting permission to allow the lot coverage on a property to be 29%, whereas the Zoning By-law permits a maximum of 25% lot coverage where the lot area is between 660 and 830 square metres.

The subject property is known municipally as 422 Woodward Avenue and is generally located southwest of the intersection of Woodward Avenue and Ontario Street North. The subject property contains a single detached dwelling with a detached garage. Surrounding uses are primarily residential, including single-detached dwellings.

The applicant is proposing to construct an addition to the existing house as well as a front porch. The Zoning By-law requires that a maximum of 25% lot coverage is permitted on lots with a lot area between 660 and 830 square metres. The applicant is seeking relief to the Zoning By-law to permit a maximum lot coverage of 29%.

## 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



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

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 Site Specific Residential Low Density II (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 25% for lots with an area between 660 and 830 square metres. The lot coverage calculation includes the existing dwelling and garage as well as the proposed extension and proposed porch. The applicant is requesting an increase in the maximum lot coverage to 29% (an increase of 4%) to accommodate the proposed extension and porch.

The proposed lot coverage increase 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, August 7<sup>th</sup>, 2024. As of the writing of this report on August 14<sup>th</sup>, 2024, staff have not received any comments from members of the public.

#### *Agency Consultation*

#### Development Engineering

Development Engineering requested that a Detailed Grading Plan and Stormwater Management Brief at the time of building permit.

### Development Services Comments

In order for a permit to be issued to construct the proposed extension and porch, all relevant Zoning By-law provisions must be met, including the maximum lot coverage provision of 25%. The applicant is requesting permission to increase the lot coverage to 29%

Planning Staff is of the opinion that the increase in lot coverage is minor in nature and will not pose a significant impact to neighbouring properties. Development Engineering did not have any objection to the application, however they have requested a detailed Grading Plan demonstrating the location of downspouts as well as swale location, direction and slopes. Further Development Engineering have requested a Stormwater Management brief due to the increase in lot coverage to assure the proposed addition will allow for proper drainage, that is contained to the site.



# The Corporation of the Town of Milton

File #:  
A24-036/M  
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## Consultation

Planning staff have reviewed the request to allow an increase in lot coverage 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:    [Madison.Polidoro@Milton.ca](mailto: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: August 22, 2024

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File No: A24-037M

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Subject: 1171 McEachern Court

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

1. That a Building Permit 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 municipally known as 1171 McEachern Court and is generally located east of the intersection of Louis St. Laurent Ave and Bronte Street South. 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.

Updated Additional Residential Unit (ARU) provisions were approved by Town Council on June 3<sup>rd</sup>. As per the transition clause included in the amendment, minor variance applications that have an associated building permit in cursory review before June 3, 2024 may proceed under either the previous provisions or new ARU provisions. The owners of 1171 McEachern Court applied for a building permit prior to June 3<sup>rd</sup> and therefore have elected to proceed under the previous zoning provisions.

### **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 further designated as Residential Area within the Boyne Survey Secondary Plan. This designation establishes that the primary use of land shall be a mix of low, medium and high density residential development. A variety of medium and high density residential uses are permitted. Secondary Residential Units are permitted as-of-right in the residential area, subject to the following criteria as set out in Section 3.2.3.9:

- a) the use shall be located in an existing single detached, semi-detached, row houses, and in accessory structures where adequate municipal piped water and wastewater services are available and connected;
- b) the site is accessible to public transit;
- c) there will be no significant changes to the external character of the building or property;
- d) all of the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations are satisfied; and
- e) the existing dwelling is not within the Regulatory Flood Plain.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan and Boyne Survey Secondary 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\*207) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*207 zone permits a variety of residential uses, including detached and townhouse dwellings. The By-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria:

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

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

## 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

Notice for the hearing was provided pursuant to the Planning Act on August 7<sup>th</sup>, 2024. As of the writing of this report on August 14<sup>th</sup>, 2024, Staff have not received any comments from members of the public.

### *Agency Comments*

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

## 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 the 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 additional dwelling unit 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. 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 additional 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





# The Corporation of the Town of Milton

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