



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Madison Polidoro

Date: December 12, 2024

File No: A-24-055M

Subject: 144 Main Street East

Recommendation: THAT the application for minor variance **BE APPROVED**

General Description of Application

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

- Allow a minimum interior side yard setback of 0.6 metres for an accessory structure, whereas the Zoning By-law requires a minimum of 3 metres.

The subject property is known municipally as 144 Main Street East and is generally located near the intersection of Main Street East and Martin Street. The subject property contains a commercial building with an existing accessory structure.

The accessory structure is existing and currently is operating with the reduced side yard. The Zoning By-law requires that accessory structures have a minimum of a 3 metres side yard setback. The applicant is seeking relief from the Zoning By-law to permit a side yard setback of 0.60 metres.

Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is designated Central Business District on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan. The Central Business District permits a variety of commercial, institutional and office uses. This intent of these uses are to accommodate a range of uses that support and contribute to the continued vibrancy of the downtown core.

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

Zoning

The subject lands are zoned Central Business District Core Commercial Zone (CBD-A) under Comprehensive Zoning By-law 016-2014. This zone permits a variety of non-residential uses, including restaurant, which is the current primary use on site.

As per section 4.2.3 i), accessory buildings and structures are permitted in all non-residential Zones subject to the criteria delineated in Table 4B.



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Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on November 27th, 2024. As of the writing of this report on December 4th, 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 permit a reduced side yard setback for an existing accessory structure. In order to bring the accessory structure into compliance, all relevant Zoning By-law provisions must be met, including the requirement for a 3 metre side yard setback. The applicant is requesting permission to allow for a reduced side yard setback of 0.60 metres.

The reduction to the side yard setback is minor in nature - the proposed accessory structure is existing and is currently operating with the reduced side yard setback (i.e. allows for adequate access to the principle building and side yard). The structure is not large enough to require a building permit, and requires solely the minor variance approval to achieve compliance with the Comprehensive Zoning By-law 016-2014.

Development engineering was circulated application and provided no objection to the application. The reduced setback does not pose any concern for potential issues regarding stormwater management or drainage.

Based on the aforementioned, Planning Staff has no objection to the proposal. It is Staff's opinion that 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