



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Madison Polidoro

Date: November 28, 2024

File No: A-24-054M

Subject: 1416 Sycamore Garden

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 Shivang Tarika. date stamped by Town Zoning on November 5th, 2024.
2. That a Residential Sprinkler System be included in the plans submitted for Building Permit;
3. That a Building Permit be issued within two (2) years from the date of this decision; 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.

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:

- Allow an existing chimney to encroach 0.25 metres into a required 1.2 metre unobstructed pedestrian access, whereas the Zoning By-law does not permit chimneys to encroach in the 1.2 metre unobstructed pedestrian access.

The subject property is known municipally as 1416 Sycamore Garden and is generally located north west of the intersection of Thompson Road South and Britannia Road. Surrounding uses are in primarily residential and are mainly comprised of single detached dwellings.

The subject lands currently contain a two-storey single detached dwelling with an attached garage. The applicant is proposing to construct an Additional Residential Unit in the basement. The applicant is seeking relief to the by-law to permit a chimney to encroach into the unobstructed pedestrian access resulting in a setback of 0.95 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. Additional Residential Units are permitted as-of-right in the residential area, subject to the criteria as set out in Section 2.7.3.17 and 2.7.3.18.

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

Zoning

The subject lands are zoned Residential Medium Density (RMD1*264) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*264 zone permits a variety of residential uses, including detached and townhouse dwellings.

Section 4.10 vi) of the Zoning By-law requires an unobstructed pedestrian access with a minimum width of 1.2 metres. The applicant is seeking relief to allow an existing chimney to encroach within the access by 0.25 metres, resulting in a setback of 0.95 metres.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on November 13th, 2024. As of the writing of this report on, November 20th 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

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 the 1.2 metre unobstructed pedestrian access. The home has an existing chimney currently obstructing the 1.2 metre access and results in a setback of 0.95 metres where the chimney is located.

The intention of the 1.2 metre unobstructed pedestrian access is to allow for a free and clear path of travel for both the residents' use, along with fire and life safety personnel. The Zoning By-law permits certain encroachments (i.e. window wells) up to 0.30 metres within the required unobstructed pedestrian access; however, chimneys are not included in the list of permitted encroachments.

Planning Staff is of the opinion that permitting the chimney to encroach 1.2 metres into the required unobstructed access will not hinder the intended function of the pedestrian access nor pose a



Consultation

hazard to users. Further, the Town of Milton Fire department was circulated on the application and did not have any concerns regarding the application, subject to the applicant installing residential sprinklers within the unit.

Planning Staff have reviewed the request to allow a chimney to encroach 0.25 metres into the side yard setback and offer no objection to the proposed variance approval. Planning Staff are of the opinion that the relief being requested is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and conforms to the Official Plan.

Respectfully submitted,

Madison Polidoro

Planner, Development Review

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

Attachments

Figure 1 - Site Plan (1416 Sycamore Garden) dated November 5th, 2024