



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Rachel Suffern, MPA, M.Sc. (PI), MCIP, RPP

Date: January 30, 2025

File No: A24-058M

Subject: 321 Halton Avenue

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

1. That the development, including the driveway, proceed in accordance with the site plan and elevations, prepared by Technoarch Architects and Designers, dated stamped by Town Zoning on January 17, 2025;
2. That prior to Building Permit issuance, the applicant provide a Stormwater Management Brief and Grading Plan, to the satisfaction of Town Development Engineering Staff;
3. That a Building Permit be obtained within two (2) years from the date of decision; and,
4. And that the decision be subject to an expiry of two years should the development not proceed, if the conditions are not met, or if a Building Permit is not obtained.

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 maximum lot coverage of 21.62%, whereas the Zoning By-law currently permits a maximum of 20% (an increase of 1.62%).
- Allow two attached garages, where as the Zoning By-law only permits one (an increase of on attached garage).
- Permit a minimum exterior side yard setback of 3.84 metres, whereas the Zoning By-law requires a minimum setback of 4.0 metres (a reduction of 0.16 metres).
- Permit a driveway width of 9.81 metres, where as the Zoning By-law permits 8 metres (an increase of 1.98 metres).

The subject property is known municipally as 321 Halton Avenue and legally known as Lot 7 on Plan 488. The lands are generally located south of Main Street and west of Ontario Street South. Surrounding land uses primarily include low-density residential with institutional (i.e. schools) uses located on the east side of Ontario Street South.



General Description of Application

The applicant intends to demolish the existing single detached dwelling and construct a new single detached dwelling with an attached Additional Residential Unit (ARU). The existing driveway accessing Parkway Drive East is proposed to be decommissioned and relocated to provide access to Halton Avenue. The existing shed adjacent to the interior lot line is proposed to be demolished whereas the shed located adjacent to the exterior lot line is to remain.

Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is designated as Residential Area on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan.

The Official Plan contemplates Additional Residential Units within the Residential Area designations, subject to the following criteria set-out in Section 2.7.3.17 (introduced through Local Official Plan Amendment LOPA-03/24):

- a) An ARU shall not be located on lands identified as hazard lands or as being within the regulatory flood plain, unless where specifically permitted by the Conservation Authority;
- b) An ARU will be compatible with neighbouring properties and the surrounding neighbourhood by taking into consideration scale and built form;
- c) An ARU must be connected to adequate municipal water and sewage services;
- d) An ARU must have no adverse effect on stormwater management systems;
- e) An ARU must have no adverse effect on site drainage as demonstrated through a grading plan;
- f) Safe access to an ARU must be ensured by meeting fire and emergency service requirements;
- g) Severance of an ARU from the lot shall not be permitted; and,
- h) An ARU shall be registered with the Town in accordance with the provisions of the Municipal Act.

The subject property is not located within lands regulated by Conservation Halton, does not alter the existing neighbourhood development patterns, and the dwelling is connected to full municipal servicing. As a condition of approval, the applicant must provide a Grading Plan and Stormwater Management Brief to demonstrate that there will be no adverse effects on stormwater management systems and the site's grading. Further, the applicant cannot sever the ARU and intends to register the unit within the Town's Additional Residential Unit registry. The proposal provides adequate access for life safety personnel to enter the unit. Therefore, Planning Staff is satisfied that the proposal is in conformity with the above-noted policies.

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



Zoning

The subject lands are zoned site-specific Residential Low Density III (RLD3*301) within the Town of Milton Urban Zoning By-law 016-2014, as amended. The RLD3*301 Zone permits a range of low-density residential uses and Additional Dwelling Units (ADU).

The proposed dwelling complies with the Zoning By-law 016-2014, as amended, with the exception of the following provisions:

Variance #1 - Increased Lot Coverage

Section 6.2 Table GB-I(I) of the Zoning By-law permits a maximum lot coverage of 20% for lots with an area greater than 830 square metres. To accommodate the proposed footprint of the dwelling, the applicant is seeking an increased lot coverage of 21.62% (an increase of 1.62%). The intent of this provision is to ensure that a lot is not overdeveloped and can accommodate any stormwater/run-off generated from development.

Variance #2 - Two Attached Garages on One Lot

Section 4.2.2.1 i) of the Zoning By-law permits one attached garage on a lot. To provide a garage for the proposed primary dwelling and ADU, the applicant is requesting to allow two attached garages on a lot.

Variance #3 - Exterior Side Yard Setback

Section 6.2 Table 6B-I of the Zoning By-law requires an exterior side yard setback of 4 metres. To accommodate a pinch point where the dwelling encroaches into the required setback, resulting in an exterior side yard setback of 3.84 metres (a reduction of 0.16 metres). The intent of this provision is to ensure that structures are adequately setback from lot lines and adjacent right-of-ways to maintain adequate sightlines and ensure drainage is accommodated within the lot limits.

Variance #4 - Increased Driveway Width

Section 5.6.2 iv. d) e) of the Zoning By-law permits a maximum driveway width of 8.0 metres for lots that have a frontage greater than 11.5 metres. To accommodate the proposed driveway and width (see Figure 1 - Proposed Site Plan for driveway measurements), the applicant is seeking relief from the above-noted provision to allow for a 9.98 metre driveway width. The intent of this provision is to ensure that the driveway does not result in negative drainage impacts (related to impervious surface), is not the dominant feature of the development and does not minimize landscaped area/open space.

Staff acknowledge that the original request related to the driveway was to allow a 15.01 metre width. The applicant revised the Site Plan to provide additional landscaped area in order to reduce the driveway width and mitigate concerns related to the extent of relief being requested.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on January 15, 2025. As of the writing of this report on January 22, 2025, Staff have not received any comments from members of the public.



Consultation

Agency Consultation

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

The original site plan provided showed the proposed drive located 14 metres from the Halton Avenue and Parkway Drive intersection. Transportation Staff confirmed that the Transportation Association of Canada standards require a minimum of 15 metres. The applicant revised the site plan to accommodate the required 15 metres and as part of the recommendation from Planning Staff, a condition has been proposed that requires the development - including the driveway siting - to be in accordance with the updated site plan attached as Figure 1 to this report.

Development Services Comments

The applicant has requested minor variances to facilitate development of a detached dwelling with an Additional Residential Unit (ARU). The existing dwelling will be demolished to accommodate the proposal and the driveway relocated to provide access to Halton Avenue.

Variance #1 - Lot Coverage

The applicant is proposing an increase in lot coverage of 1.62%. While the proposed dwelling exceeds the maximum lot coverage permission of 20%, the impact of an additional 1.62% is negligible. The applicant has agreed to provide a Stormwater Management Brief and Grading Plan to ensure that there are no negative drainage impacts associated with the additional lot coverage. Further, the additional lot coverage does not result in over-development of the lot as there is significant amenity area in the rear and the setbacks are generally maintained, with the exception of Variance #3. Finally, the added lot coverage does not result in a dwelling that is too large for the subject lands and does not disrupt existing neighbourhood character and development patterns.

Variance #2 - Two Attached Garages on a Lot

The applicant is proposing to have two attached garages on the lot. The intention of this is to provide a garage for the occupants of the primary unit and a garage for the occupants of the ARU. While two attached garages exceeds the Zoning By-law permissions, the applicants have proposed a design that incorporates both garages in such a way that does not make them the dominant feature of the dwelling. Further, the applicants have demonstrated that two garages will contribute to the functionality of the site by providing parking areas for the ADU occupants. Finally, the presence of the two garages does not result in over-development of the lot.

Variance #3 - Exterior Side Yard Setback

The applicant is seeking to reduce the exterior side yard setback at the rear of the proposed dwelling where the siting creates a pinch point, resulting in a partial setback of 3.84 metres, rather than the required 4 metres. Given the reduced setback is located at one portion of the dwelling and is 0.16 metres less than what is required within the Zoning By-law, Planning Staff are of the opinion that the impact is negligible and therefore, the variance is minor in nature. The pinch point does not impact drainage patterns, does not obstruct sightlines and does not impact existing neighbourhood development patterns.

Variance #4 - Increase in Driveway Width



Consultation

The applicant is proposing a driveway that provides access to both garages. Based on the technical measurement of 'Driveway Width, Residential' (definition included below) within the Zoning By-law, the driveway exceeds the maximum 8 metres currently permitted:

“Means a residential driveway measured at its widest or narrowest point, whichever is applicable, and perpendicular to the intended direction of travel.”

The curb cut being proposed is 8 metres as the increase in width is located solely at the garage accesses - Development Engineering is satisfied with this as the 8 metre curb cut is in compliance with the Town's Engineering and Parks Standards Manual. There were no concerns raised related to drainage or the added impervious surface.

From a planning perspective, the driveway will not be the dominate feature of the development and the applicant has incorporated landscape features to minimize the impact of the driveway itself. The overall effect of the added width is minimal given the size of the lot and configuration of the proposed driveway. As such, Planning Staff offer no objection.

Based on the aforementioned, Planning Staff offer no objection to the variances being requested. The variances are minor in nature, desirable for the development of the subject lands, maintain the intent of the Zoning By-law and conform to the Official Plan.

Respectfully submitted,

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For questions, please contact:

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Attachments

Figure 1 - Proposed Site Plan