



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: A24-059M

Subject: 457 Landsborough Avenue

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

1. That the development and unobstructed pedestrian access shall be constructed and provided in accordance with the site plan prepared by Out of the Box Engineering Inc., dated stamped by Town Zoning on December 5, 2024;
2. That the approved Building Permit drawings for the Additional Residential Unit include a residential sprinkler system within the unit;
3. That a Building Permit be obtained within two (2) years from the date of decision; and,
4. The approval be subject to an expiry of two (2) years from the date of the 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 an existing chimney to encroach 0.23 metres into the required 1.2 metre unobstructed pedestrian access (a resultant access of 0.97 metres), whereas the Zoning By-law otherwise does not permit chimneys to encroach into the required 1.2 metre unobstructed pedestrian access.

The subject property is known municipally as 457 Landsborough Avenue and legally described as Part of Lot 62 on 20M-1088 as in Parts 7 and 8 on 20R-19037. The subject property is generally located north of Derry Road and east of Tremaine Road. Surrounding land uses include low-density residential and parkland. The property currently contains a semi-detached dwelling with a single car driveway.

The applicant is proposing to convert the existing residential basement to an Additional Residential Unit (ARU) with a below-grade access proposed in the rear yard. To access the unit, the applicant

General Description of Application

is proposing the required unobstructed pedestrian access within the interior side yard (leading from the front to the rear of the lot). As a result of an existing chimney in the side yard, the applicant is seeking relief from the Zoning By-law as it relates to the permitted encroachments into the required unobstructed pedestrian access within Section 4.10 of the Zoning By-law 016-2014, as amended.

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 property is further designated as Residential Area on Schedule C-8-D - Sherwood Survey Secondary Plan Land Use Plan within the Sherwood Survey Secondary Plan.

Both the Official Plan and Secondary Plan contemplate 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 exterior of the existing dwelling and/or façade given the ARU is located within an existing basement, and the dwelling is connected to full municipal servicing. Development Engineering is satisfied that the proposal will not have an adverse effect on the site's stormwater management system, nor drainage patterns. Further, the applicant cannot sever the ARU and intends to register the unit within the Town's Additional Residential Unit registry. Subject to the recommended conditions set-out by Planning Staff for the provision of a residential sprinkler system within the ARU to support safe access, Planning Staff is satisfied that the proposal is in conformity with the above-noted policies.

Therefore, it is Staff's opinion that the proposal is in conformity with both the Town of Milton Official Plan and Sherwood Survey Secondary Plan.

Zoning

The subject lands are zoned site-specific Residential Medium Density I (RMD1*114) within the Town's Urban Zoning By-law 016-2014, as amended. The RMD1*114 Zone permits an Additional Residential Unit, subject to the provisions set-out in Section 4.10, including:

- vi) An unobstructed pedestrian access [be provided] with a minimum width of 1.2 metre and minimum vertical clearance of 2.1 metres shall be provided and maintained from the street line to the principal entrance of an additional dwelling unit;
- vii) Notwithstanding vi) above, the following encroachments shall be permitted within the minimum 1.2 metre width of the unobstructed pedestrian access:
 - a. Utility metres;
 - b. Window wells with a maximum projection of 0.3 metres;
 - c. Gates with a minimum unobstructed opening of 1.02 metres and,
 - d. Stairs and landings above grade in accordance with Section 4.10 viii) e).

The dwelling has an existing chimney located in the side yard where the unobstructed pedestrian access is proposed and therefore requires relief from provision Section 4.10 vii) given a chimney is not a permitted encroachment.

The intent of the above-noted provisions are to provide an adequate path of travel for life safety personnel (i.e. firefighters and paramedics), free of obstructions, to access the unit, while also providing functional day-to-day access for the tenant.

With the exception of the foregoing, the proposal complies with all other provisions of the Zoning By-law 016-2014, as amended.

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, Planning Staff has 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.

Milton Fire is supportive of the application subject to a residential sprinkler system being installed within the ARU. The intent of this is to mitigate any impact associated with the proposed obstruction being located within the pedestrian access. By providing fire suppression measures such as a sprinkler system, this will allow firefighters additional response time when accessing the unit if the obstruction slightly delays access.



Consultation

Development Services Comments

The applicant has requested a minor variance to facilitate the construction of an Additional Residential Unit (ARU) within the existing basement of a semi-detached dwelling located on the subject lands. The principal entrance to the ARU is proposed within the rear yard with the required unobstructed pedestrian access located in the interior side yard leading from the front to the rear of the lot. An existing chimney would encroach into the required 1.2 metre unobstructed pedestrian access and therefore requires relief under the Zoning By-law 016-2014, as amended.

While the chimney does encroach into the required unobstructed pedestrian access, it does not extend along the full length of the access but rather projects at one specific point. The remainder of the access is in compliance with the Zoning By-law. Further, the obstruction projects 0.23 metres therefore providing a 0.97 metre access at the pinch point created by the chimney.

It is Planning Staff's opinion that the encroachment does not render the unobstructed pedestrian access inadequate and it can function as intended, subject to a residential sprinkler system being installed within the ARU. While the pedestrian access provides a path of travel to and from the unit, the fire suppression measure will aid in mitigating any delay in accessing the unit that may be caused by the proposed obstruction and does not jeopardize the safety of the unit nor its tenants.

Therefore, based on the aforementioned, Planning Staff are of the opinion that the minor 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. As such, Planning Staff offer no objection to the approval of this application, subject to the recommended conditions being fulfilled.

Respectfully submitted,

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For questions, please contact:

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Attachments

Figure 1 - Proposed Site Plan



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