



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Taylor Wellings, MSc (PI), MCIP, RPP

Date: May 29, 2025

File No: A-25-023M

Subject: 103 Martin Street

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

1. That the development shall be constructed in accordance with the site plan prepared by John D. Dorris Architects and stamped by Town Zoning on April 16, 2025.
2. That the owner obtain and execute an Encroachment Agreement with the Town of Milton to staffs satisfaction.
3. That a Building Permit be obtained within two (2) years from the date of the 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 dos 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:

1. Requesting permission to allow for an accessible ramp to be located +1.26 metres beyond the front lot line into the right-of-way, + 2.26 metres;
2. Requesting permission to allow for stairs to be located +1.26 metres beyond the front lot line into right-of-way, + 2.26 metres
3. Requesting permission to allow for a landing to be located +1.26 metres beyond the front lot line into the right-of-way, + 2.26 metres

The subject property is known municipally as 103 Martin Street and Graceway Baptist Church operates on the site. The applicant is requesting relief from the Town's Zoning By-law to allow for an accessible ramp, stairs and landing to encroach into the Town's road allowance to improve the subject property and create a barrier free entrance.



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Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is designated as Central Business District on Schedule B and Low Density Residential Area on Schedule C of the Town of Milton Official Plan. The intent of these policies are to accommodate a range of uses that support and contribute to the continued vibrancy of the downtown core. Section 3.5.3.5 of the Town of Milton Official Plan states that the development of a wide range of complementary uses to contribute to the vitality of the Central Business District and foster a live-work relationship shall be encouraged.

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 Low Density (RLD1) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD1 zone permits a variety of residential uses. The subject property currently contains an institutional use (Graceway Baptist Church) which the Town considers to be legal non-conforming use and have no concerns with the use continuing to operate.

Variance One: Encroachment for Accessible Ramp

Section 4.19.5 Table 4H of the Town's Zoning By-law states that wheelchair or accessible ramp is permitted to encroach into the minimum required setback within 1.0 of any lot line. The applicant has requested to allow an accessible ramp to encroach +1.26 metres beyond the front lot line into the right-of-way, + 2.26 metres, to facilitate the proposed development.

Variance Two: Encroachment for Stairs

Section 4.19.5 Table 4H of the Town's Zoning By-law states that the stairs and landing above-grade accessing a principal building is permitted to be located a minimum of 1.0 metres from the property line measured to the first riser, with no part of the landing any closer than 1.5 metres from the property line. The applicant has requested to allow for stairs to encroach +1.26 metres beyond the front lot line into the right-of-way, + 2.26 metres, to facilitate the proposed development.

Variance Three: Encroachment for Landing

Section 4.19.5 Table 4H of the Town's Zoning By-law states that the stairs and landing above-grade accessing a principal building is permitted to be located a minimum of 1.0 metres from the property line measured to the first riser, with no part of the landing any closer than 1.5 metres from the property line. The applicant has requested to allow a landing to encroach +1.26 metres beyond the front lot line into the right-of-way, a difference of + 2.26 metres, to facilitate the proposed development.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on May 9, 2025. As of the writing of this report on May 21, 2025, staff have not received any comments from members of the public.

Agency Consultation



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Consultation

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

Town Engineering staff have reviewed the application from an infrastructure and right-of-way perspective and offer no objection and have no concerns with the application proceeding, subject to the applicant entering into an Encroachment Agreement with the Town. This has been included as a condition of development approval and the applicant is aware of this requirement and associated fees.

Town Infrastructure staff have also confirmed that there are no concerns with the proposed development and there will be no issues as there remains enough space for equipment to ensure that the sidewalk remains free and clear (i.e. snow removal).

Development Services Comments

The applicant is requesting relief from the Town's Zoning By-law to allow for an accessible ramp, stairs and landing to encroach into the Town's road allowance to improve the subject property and create a barrier free entrance.

Section 4.19.5, Table 4H of the Town's Zoning By-law sets the requirements for a wheelchair or accessible ramp as well as where stairs and a landing can be located from a property line. The applicant is requesting permission to allow for an encroachment of 1.26 metres beyond the front lot line into the Town's right-of-way to alter the existing entrance into a barrier free entrance. As noted above, Town staff have no concerns from an infrastructure and right-of-way perspective and an Encroachment Agreement will be required and has been included as a condition of development approval.

Planning staff are of the opinion that the proposed changes to the existing entrance to allow for a ramp, stairs, and landing to create a barrier free entrance will not negatively impact the surrounding properties and the design elements are minor in nature. Further, planning staff note that the existing sidewalk will not be impacted and remain free and clear. Infrastructure staff also reviewed the application and confirmed there is no concern, and enough space remains near the entrance and sidewalk to allow for Town equipment to be used to keep the sidewalks free and clear. It should also be noted that there are no concerns with the hydro-pole being in close proximity and no changes are required.

Planning staff have reviewed the requested variances and offer no objection to its approval. Planning staff are of the opinion that the requested variance is minor in nature, conforms to the general intent of both the Official Plan and Zoning By-law and is desirable for the development and use of the subject property.

Respectfully submitted,

Taylor Wellings



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For questions, please contact:

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Attachments
Figure 1 – Proposed Site Plan