



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

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

Date: May 29, 2025

File No: A25-025M

Subject: 392 Clarkson Gate

Recommendation: That the application for minor variance be approved subject to the following conditions:

1. That the unobstructed pedestrian access be provided in accordance with the Site Plan prepared by Knishk Chawkla and date stamped by Town Zoning on April 11, 2025;
2. That prior to Building Permit issuance, the applicant incorporates a sprinkler system, designed by a qualified professional in fire protection systems and in accordance with NFPA 13D standards, within the building permit package for the proposed Additional Residential Unit;
3. That the decision be subject to an expiry of two years should the development not proceed, conditions not be met 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:

- Allow an existing porch to encroach 0.25 metres into a required 1.2 metre unobstructed pedestrian access for an Additional Residential Unit, whereas the Zoning By-law does not permit a porch to encroach into the required pedestrian access.

The subject property is known municipally as 392 Clarkson Gate and legally described as Lot 60 on 20M-1167. Located generally north of Britannia Road and west of Regional Road 25, the subject property currently contains a single detached dwelling with an attached single car garage.

The applicant intends to create an Additional Residential Unit (ARU) within the existing basement - in order to do so, relief is required as it relates to the required unobstructed pedestrian access which provides a path of travel from the front of the property to the proposed ARU's access.

Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is designated as Urban Area on Map 1 - Regional Structure of the Halton Region Official Plan and further designated as Residential Area on Schedule B - Urban Land Use

Official Plan Designation (including any applicable Secondary Plan designations)

Plan and Schedule C.10.C - Boyne Survey Secondary Plan Land Use Plan of the Town of Milton Official Plan and Boyne Survey Secondary Plan.

The Urban Area designation within the Halton Region Official Plan seeks to facilitate orderly development that supports both the creation and sustainability of healthy communities.

The Residential Area policies both within the Official Plan and Secondary Plan allow Additional Residential Units subject to criteria set out in Section 2.7.3.17 which requires:

- 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.

Planning Staff is satisfied that the proposal is in conformity with the above-noted criteria. The lands are regulated by Conservation Halton, the ARU will have no impact on neighbourhood character given there is no change proposed to the exterior of the dwelling, the property is connected to municipal servicing, there are no physical changes proposed to existing stormwater management systems and grading on the site, severance is not proposed nor possible and finally, the applicant intends to register the unit with the Town.

Subject to the applicant fulfilling the proposed condition relating to residential sprinklers, Town Planning Staff is satisfied that the proposed unobstructed pedestrian access is adequate despite the porch encroaching.

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

Zoning

The subject lands are zoned site-specific Residential Medium Density I (RMD1*207) within the Town of Milton Urban Zoning By-law 016-2014, as amended. The RMD1*207 Zone permits a range of residential uses including single detached dwellings and Additional Dwelling Units.

Section 4.10 establishes criteria associated with ADUs, including subsection:

Zoning

- v) An unobstructed pedestrian access with a minimum width of 1.2 metres 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.

The applicant is seeking to allow a porch to encroach 0.25 metres into the unobstructed pedestrian access. Section 4.10 (vii) allows certain encroachments, however, a porch or other architectural features are not explicitly included.

The intent of the above-noted provisions is 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 above-noted relief, the proposal maintains all other provisions of the Urban Zoning By-law 016-2014, as amended.

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

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

Development Services Comments

The applicant is seeking relief from Section 4.10 (v) of the Zoning By-law to allow an existing porch to encroach 0.25 metres into the required unobstructed pedestrian path of travel associated with a proposed Additional Residential Unit. The applicant initially considered removing the porch however, there is cold storage located below - accessed via the basement - which restricts their ability to alter the porch (and existing foundation).

From a planning perspective, the proposed encroachment will not infringe on a future tenant's ability to access the unit whether that be individuals entering/exiting and/or bringing items into the unit. Further, the porch only encroaches into a portion of the path of travel and therefore, a complete unobstructed 1.2 metres is provided for the majority of the path. Finally, the encroachment of 0.25 metres does not exceed the current 0.30 metre allowance associated with the permitted encroachments set out in Section 4.10 vii) the Zoning By-law and therefore, is consistent with established performance standards.

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 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. Further, the obstruction will not hinder first responders' ability to navigate the property with their equipment needed in emergency scenarios.



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Consultation

Therefore, 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 therefore, does not jeopardize the overall safety of the unit nor its tenants.

Based on the aforementioned, Planning Staff offers no objection to the approval of this application, subject to the recommended conditions, and is satisfied that the variance 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,

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For questions, please contact:

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Attachments

Figure 1 - Site Plan