



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

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

Date: A-25-028M

File No: A-25-028M

Subject: 734 Miltonbrook Crescent

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 Heritage Solutions and stamped by Town Zoning on May 27, 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 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 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:

- To allow for a below-grade entrance to encroach + 0.80 metres into the interior side yard

The subject property is known municipally as 734 Miltonbrook Crescent and located west of Farmstead Drive. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and primarily single-detached dwellings.

General Description of Application

The applicant is proposing to establish an Additional Residential Unit (ARU) in the basement of the existing single-detached dwelling. The ARU will include a below-grade entrance located in the interior side yard and to access the unit. The applicant is seeking relief from the Town's Zoning By-law (016-2014) as it relates to the permitted encroachments into the required unobstructed pedestrian access.

Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is designated Residential Area on Schedule B of the Urban Land Use Plan of the Town of Milton Official Plan. Further, the subject property is designated as Residential Area on the Sherwood Survey Secondary Plan. The Residential Area designation permits a variety of residential uses.

Both the Town's Official Plan as well as the Sherwood Survey Secondary Plan provide permissions for Additional Residential Units (ARUs) within the Residential Area designation. Section 2.7.3.17 of the Town's Official Plan provides permissions for Additional Residential Units (ARUs), subject to the following criteria:

- 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 are satisfied that the proposed development is in conformity with the above-noted criteria, subject to the applicant fulfilling the proposed condition relating to residential sprinklers. It is Staff's opinion that the proposal is in conformity with the Regional Official Plan, Town of Milton Official Plan and Sherwood Survey Secondary Plan.



Zoning

The subject lands are zoned Residential Medium Density 1 (RMD1) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1 zone permits a variety of residential uses, including ARUs.

Section 4.19.5 Table 4H of the Town's Zoning By-law only permits below-grade stairs to encroach into a required rear or exterior side yard. The applicant is requesting permission to allow for below-grade stairs to be located in the interior side yard and to encroach 0.80 metres, to facilitate the proposed development.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on June 10, 2025. As of the writing of this report on June 18, 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.

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.

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 single-detached dwelling with a two-car garage on the subject property. The applicant is requesting permission to allow for below-grade entrance and stairs to be located in the interior side yard and to encroach 0.80 metres, to facilitate the proposed development.

Planning staff note that the proposed encroachment for the below-grade entrance and stairs will only impact a small portion of the interior side yard and the remaining area will be unobstructed. Further, the proposed encroachment does not exceed the current 0.30 metre allowance associated with permitted encroachments set out in Section 4.10 vii) of the Town's Zoning By-law and is consistent with established performance standards and meets requirements and the review of Town Engineering Staff.



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Consultation

As noted above, Milton Fire did review the application and recommended the addition of a residential sprinkler system to mitigate any impacts associated with the proposed obstruction within the pedestrian access. This recommendation is included as a condition of development approval. 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. Milton Fire also confirmed that the proposed obstruction will not hinder first responders' ability to navigate the property with their equipment needed in emergency scenarios.

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.

Planning staff have reviewed the requested variance 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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Planner, Development Review

For questions, please contact:

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Attachments

Figure 1 - Site Plan



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