



# The Corporation of the Town of Milton

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Report To: Committee of Adjustment and Consent

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

Date: June 26, 2025

File No: A-25-029M

Subject: 455 Clarkson Gate

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

1. That the development shall be constructed in accordance with the site plan prepared by ArchiStudios Inc. and dated and stamped by Town Zoning on May 26, 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 an existing porch to encroach to encroach +0.26 metres into the required 1.2 metre unobstructed pedestrian access

The subject property is known municipally as 455 Clarkson Gate. The subject property is located on the north side of Clarkson Gate and east of Orr Terrace and the surrounding uses are primarily residential. The subject property contains a single-detached dwelling with a one-car garage.

The applicant is proposing to establish an Additional Residential Unit (ARU) in the basement of the existing single-detached dwelling to accommodate a personal family

## General Description of Application

situation. The ARU will include a below-grade entrance located in the rear yard and to access the unit. As a result of an existing porch, 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 as Residential Area on Schedule B of the Town's Official Plan. The property is further designated as Residential Area on Schedule C.10.C of the Boyne Secondary Plan.

Both the Town's Official Plan as well as the Boyne 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 Boyne Secondary Plan.

## Zoning

The subject lands are zoned Site Specific Residential Medium Density (RMD1\*207) within the Town's Zoning By-law (016-2014), as amended. The RMD1\*207 zone permits an Additional Residential Unit (ARU), subject to the provisions of Section 4.1, including:

- vi) an unobstructed pedestrian access [be provided] 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;

- 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 applicant has requested permission to allow for a porch to encroach 0.26 metres into the unobstructed pedestrian access, to facilitate the proposed development. 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 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.

## 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 single-detached dwelling with a one-car garage location on the subject property. The request has come forward as a result of accommodating a personal family situation.

The applicant is requesting permission to allow for an existing porch encroachment of 0.26 metres into the required 1.2 metres unobstructed interior side yard. Section 4.10 vi) of the Town's Zoning By-law requires that a 1.2 metre wide unobstructed pedestrian access between the street line and primary entrance to the ARU be provided. Further, Section 4.10 (vii) allows certain encroachments, however, a porch or other architectural features are not explicitly included.

Planning staff also note that the intent of Section 4.10 vi) and vii) 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.

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.

The porch is located at the front of the dwelling and does not encroach into the entire interior side yard. It should be noted that the majority of the interior side yard will meet the 1.2 metre minimum requirement. Further, the applicant has opted for a rear yard entrance to limit further activity and development within the interior side yard which is favourable. Planning staff acknowledge that the porch is existing and the front façade and interior side yard will not require any changes to facilitate the proposed development.

Planning Staff are of the opinion that the requested variances are minor in nature, conform to the general intent of both the Official Plan and Zoning By-law and are desirable for the development and use of the subject property. As such, Planning Staff have reviewed the



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## Consultation

requested variances and offer no objection to their approval as the proposed encroachment is not expected to negatively affect adjacent properties.

Respectfully submitted,

*Taylor Wellings*

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Planner, Development Review

For questions, please contact:

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## Attachments

Figure 1 - Site Plan