



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Olivia Hayes

Date: July 31, 2025

File No: A-25-035M

Subject: 804 Trudeau Drive

**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 Caprija Corporation and date stamped by Town Zoning on June 20, 2025, subject to revisions necessary to satisfy condition 2, below.
2. That the owner acknowledges that prior to Building Permit, the Site Plan must be revised to locate hard surfacing a minimum of 0.45 metres from the southern lot line.
3. 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.
4. That a Building Permit be obtained within two (2) years from the date of the decision.
5. 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 an existing chimney to encroach 0.3 metres into the 1.2 metre unobstructed pedestrian access required for an Additional Dwelling Unit, whereas the Zoning By-law does not permit chimney encroachments.

The Subject Property, known municipally as 804 Trudeau Drive, is generally located south of Derry Road and west of James Snow Parkway. The Subject Property is currently occupied by a two-storey detached dwelling. To facilitate the creation of an Additional Dwelling Unit (ADU), the application requests a minor variance to permit an existing chimney to encroach 0.3 metres into the pathway leading to the ADU entrance, as the Zoning By-law requires this access to remain unobstructed.



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Official Plan Designation (including any applicable Secondary Plan designations)

Halton Region Official Plan

The Subject Property is located within the Urban Area, per Map 1 - Regional Structure. The Urban Area consists of lands with existing or planned urban services, and is intended to accommodate the Region's residential and employment growth.

Town of Milton Official Plan

The Subject Property is designated Residential Area per Schedule B - Urban Area Land Use Plan. Additionally, the Subject Property falls within the Bristol Survey Secondary Plan, and is designated Residential Area by Schedule C-6-D - Bristol Survey Secondary Plan Land Use Plan.

Lands designated Residential Area are intended to be predominantly used for a mix of low, medium and high-density residential development. Similarly, policy C.6.5.1.1 directs that the residential mix in the Bristol Survey Planning District shall be in accordance with the ultimate housing mix targets for the Urban Area.

Policy 2.7.3.17 permits ADUs within the Urban Area, subject to conformity with 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.

It is Staff's opinion that the proposal is in conformity with the Halton Region Official Plan and the Town of Milton Official Plan.

Zoning

The Subject Property is zoned Residential Medium Density 1, Exception 35 (RMD1 *35). The Residential Medium Density 1 Zone permits a variety of low-rise residential uses, ranging from detached to townhouse dwellings, along with home occupations and home daycares. Zoning Exception 35 establishes standards relating to parking dimensions, dwelling separation distance, and the location of air conditioning or heat exchange units.

Variance One: Section 4.10(vi) states that for an ADU, 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 exterior entrance to the building, providing the most direct access to an additional dwelling unit. Section 4.10(vii) permits certain encroachments into this 1.2 metre unobstructed pedestrian access, but does not expressly permit chimney encroachments. The applicant is requesting permission for an existing chimney to encroach 0.3 metres into the required pedestrian walkway, leaving a width of 0.91 metres for a portion of the access route.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on July 14, 2025. As of the writing of this report on July 16, 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 Engineering advised that prior to a Building Permit application, the site plan must be revised so that hard surfacing is located a minimum of 0.45 metres from the property line. This is necessary to maintain existing swales. The applicant has been made aware of this requirement and the associated condition of approval.

In addition, Milton Hydro noted the existence of a secondary conduit and cable running underneath the planned walkway. If concrete is used for the walkway, the applicant would be responsible for any excavation required in the event of future maintenance in this area. The applicant has also acknowledged this comment.



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Consultation

Development Services Comments

Planning staff have no concerns with the proposed minor variance, and believe it is minor in nature, maintains the intent of both the Official Plan and Zoning By-law, and represents an appropriate and desirable use of the Subject Property. Introducing ADUs is desirable and suitable within the existing urban area, as encouraged by both local and provincial policies. Further, the application conforms to the criteria outlined in policy 2.7.3.17 of the Official Plan regarding the creation of ADUs.

The proposed minor variance would allow a slight encroachment of 0.3 metres into the ADU access route, which otherwise maintains an unobstructed width of 1.2 metres or more. Staff acknowledge that the chimney necessitating this minor variance is an existing condition which extends over a very small portion of the access route, creating a temporary pinch point rather than obstructing the entire pathway.

The purpose of the above-noted zoning provision is to ensure the access route leading to the primary entrance of an ADU is wide enough to support functional usage, and to allow safe access for first responders in case of an emergency. The Zoning By-law does already permit a number of encroachments into the required pedestrian access route; specifically, window wells are permitted to encroach 0.3 metres, equivalent to what is contemplated in this application. Despite the proposed chimney encroachment, the pedestrian access route would maintain a width of 0.91 metres, which staff are satisfied can support daily circulation and provide adequate space for access by first responders.

Respectfully submitted,

Olivia Hayes, B.E.S.
Planner, Development Review

For questions, please contact:

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Attachments

Figure 1 - Site Plan