



Committee of Adjustment & Consent
(Section 45, Planning Act, 1990)

NOTICE OF DECISION

File Number:	A22/037/M
Date of Hearing:	MAY 26, 2022
Applicant:	AHMAD / PUNJABI
Municipal Address:	934 LOGAN DRIVE

MINOR VARIANCE APPLICATION under Section 45(1) of the “Planning Act” - File (A22/037/M) to the Milton Committee of Adjustment and Consent requesting permission to allow:

1. A landing to encroach into the minimum required interior side yard with a minimum setback of 0.56 metre from the side lot line, **WHEREAS** Zoning RMD1*264 Section 4.19.5 i) Table 4H of Comprehensive Zoning By-law 016-2014, as amended, requires states stairs and landings above grade are not permitted to encroach into a minimum required interior side yard setback, and
2. Two (2) parking spaces on a residential driveway with a minimum width of 2.56 metres, **WHEREAS** Zoning RMD1*264 Section 5.6.2 i) of Comprehensive Zoning By-law 016-2014, as amended, requires the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length

to accommodate the reduction in width of required parking spaces on a driveway and encroachment of landing into the side yard on Lot 167, Plan 20M-1219, municipally known as 934 Logan Drive in the Town of Milton, Regional Municipality of Halton

THE REQUEST IS HEREBY:

☒ **APPROVED** ☐ **DENIED** ☐ **DEFERRED**

REASONS: See attached ‘Schedule 1’

RECORDED VOTE AS FOLLOWS:

In favour of the Motion:

Opposed to the Motion:

Mark Kluge

M. Kluge

M. Kluge

Eric Chandler

E. Chandler

E. Chandler

Jeff Robinson

J. Robinson

J. Robinson

Tyler Slaght

T. Slaght

T. Slaght

Michael Summers

M. Summers

M. Summers

You are notified that under Subsection 45(12) of the *Planning Act, R.S.O. 1990*, as amended, the applicant, the Minister or any other person or public body who has an interest in the matter may not later than **June 15, 2022** appeal to the Ontario Land Tribunal (OLT) against the decision of the Committee by filing with the Secretary-Treasurer of the Committee a notice of appeal setting out the objection to the decision. The Notice of Appeal must be accompanied with the prescribed fee made payable to the “Minister of Finance” and be sent to:

Secretary-Treasurer, Milton Committee of Adjustment and Consent
The Corporation of the Town of Milton - Development Services Department
150 Mary Street, Milton, Ontario, L9T 6Z5

If no appeals are received the decision of the Committee is final and binding.

Dated this May 27, 2022.

I, Catherine Susidko, Secretary-Treasurer of the Milton Committee of Adjustment and Consent, certify that this is a certified copy of the majority decision of Committee of Adjustment.

Secretary-Treasurer, Committee of Adjustment and Consent



NOTICE OF DECISION

SCHEDULE 1

File Number:	A22/037/M
Date of Hearing:	MAY 26, 2022
Applicant:	AHMAD / PUNJABI
Municipal Address:	934 LOGAN DRIVE

PUBLIC CONSULTATION:

Notice of Hearing was provided as required by the Planning Act on May 11, 2022. All written submissions received, if any, and any oral submissions made at the Hearing related to the application were considered in the decision. **THEREFORE, it is the decision of the Committee of Adjustment THAT Minor Variance Application (A22/037/M) BE:**

APPROVED with Condition(s):

1. That the side-door entrance and secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by SHAFE Inc., date stamped by Town Zoning on April 28, 2022.
2. That a building permit application be obtained within two (2) years from the date of this decision.
3. 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.

NOTES:

1. Regional development charges and educational development charges are applicable in accordance with the appropriate agency's policies and by-laws. Town development charges and other charges are applicable on any future development in accordance with Town policies and by-laws and other applicable legislation. All development charge inquiries should be directed to DevelopmentFinance@milton.ca

2. Municipal property taxes must be current prior to approval. Inquiries with respect to property taxation should be directed to 905-864-4142 or taxes@milton.ca.

3. Trustee clearance is not applicable.

4. The subject lands are located within an area of Archaeological Potential. However, it is acknowledged that the lands have been previously disturbed with development. While an Archaeological Assessment is not required, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should be notified immediately. In the event that human remains are encountered during construction, the proponent should immediately contact the appropriate authorities (police or coroner) and all soil disturbance must stop to allow the authorities to investigate and the Registrar of Cemeteries to be consulted.

REASONS:

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

1. The general intent and purpose of the Official Plan is maintained
2. The general intent and purpose of the Zoning By-law is maintained.
3. The variance(s) is considered desirable for the appropriate development of the land.
4. In the opinion of the Committee, the variance(s) is minor.

CONSIDERATION FROM THE PLANNING REPORT:

Planning Staff have reviewed the request to reduce the size of the parking space and recognize the minimum interior side yard setback and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, the owner has provided photographs that demonstrate the vehicles can adequately park wholly on the existing driveway and access to the interior of the vehicles can be achieved. In regards to the interior side yard setback, Town staff are of the opinion that the proposed interior side yard will not negatively impact the neighbouring property.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding of the property, will not impact the personal enjoyment of the lands or any neighboring property and will not be of detrimental impact to the lands, the street or surrounding area.

I, Catherine Susidko, Secretary-Treasurer of the Milton Committee of Adjustment and Consent, certify that this is a certified copy of the majority decision of Committee of Adjustment.

Secretary-Treasurer, Committee of Adjustment and Consent