



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-22-071/M - 24 Martin Street (Severed Lands)

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 016-2014, as amended, has been requested:

- To allow a two way driveway to have a minimum width of 2.5 metres accessing a parking area, whereas 6.0 metres is currently required (a reduction of 3.5 metres).
- To allow a drive aisle width of 2.5 metres where are parking spaces are provided, whereas 6.0 metres is currently required (a reduction of 3.5 metres).
- To allow a 0.0 metre parking area setback to a lot line, whereas 1.5 metres is currently required (a reduction of 1.5 metres).

The subject property is known municipally as 6-20 Martin Street; 217-227 Main Street. Surrounding land uses include commercial and residential.

The owners of the property, Gen Three Limited, are seeking variances as a condition of undisputed Consent Application B22-005. As part of estate management purposes, the consent application was to create a new lot (24 Martin Street - severed lot) and associated permanent access right-of-ways. A related minor variance application A-22-070/M is being considered concurrently to accommodate the deficiencies required for the retained lands.

Official Plan Designation (including any applicable Secondary Plan designations):

The subject property is designated as Central Business District in the Town of Milton Official Plan on Schedule B 'Urban Area Land Use Plan'. Section 3.5 sets out that this area will serve as a focal area that accommodates commercial, cultural and residential uses.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended. It conforms to the Central Business District designation in that it supports commercial and residential use.

Zoning:

The subject lands are zoned as Central Business District Core Commercial (CBD-A) zone within the Town of Milton Urban Zoning By-law 016-2014, as amended. Within this zone, uses such as upper-floor dwelling units, office use, office building, and personal service shop are provided.

To facilitate the consent application and lot creation, the following variances are required:

Section 5.6.1 ii) Table 5B requires that a two way driveway have a minimum width of 6.0 metres, whereas 2.5 metres is being requested.

Section 5.7 5C requires that a minimum drive aisle width of 6.0 metres where parking spaces are provided, whereas 2.5 metres is being requested.

Section 5.12 Table 5L requires that a minimum setback of 1.5 metres be provided from the parking area to the lot line, whereas 0.0 metres is being requested.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 8, 2022. As of the writing of this report on, September 22, 2022, 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.

The property is regulated by Conservation Halton (CH). However, CH understands that the minor variances are to recognize existing conditions that have occurred as a result of the consent application and that no development is proposed on site. As the subject is entirely within the Regulatory floodplain of Sixteen Mile Creek, any future development on these lands would be limited, highly restricted and a CH permit would be required in accordance with applicable policies.

Planning and Development Department Comments:

The applicant has requested a minor variance to facilitate the final approval of a consent application (B-22/005/M) which results in no physical changes on the subject property. As a result of the proposed consent, variances are required as the retained lot and severed lot have a number of zoning by-law deficiencies given the subject property layout and existing siting.

The proposed lot line, as identified on the sketch provided, is to be located in the middle of the existing driveway access off of Martin Street. The creation of the lot line therefore adjusts both the retained and severed lots' property boundaries and alters how existing zoning provisions are applied.

The existing siting on both the severed and retained lands will not be altered - the variances identified address the deficiencies created as a result of the new lot line. The shared access off Martin Street will provide access to both the retained and severed lot - while the new property boundary technically establishes this access point as two driveways (previously interpreted as one), it will remain functional for both properties, via permanent right-of-ways, as if it was one driveway. The establishment of two driveways therefore requires that relief be granted as it relates to driveway width, drive aisles and setbacks to lot lines.

Given shared access via permanent right-of-ways has been created through the consent application, Planning Staff are of the opinion that the variances being requested for the retained property is negligible. The driveway will offer ample width for vehicular access, both from an ingress and egress perspective. Further, the drive aisle maintains the same functionality as the aforementioned.

Overall, Planning Staff have reviewed the variances being requested and offer not objections. There are no physical changes occurring as a result of the variances and the consent application - further, any future development would be extremely restricted due to Conservation Halton regulations. From this perspective, any impact of the variances are negligible. Therefore, Planning Staff confirm that the variances are minor in nature, are desirable for the development of the subject lands, conform to the Official Plan and maintain the intent of the Zoning By-law.

Recommendation:

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

1. That the approval be subject to an expiry of two (2) years from the date of decision or if the proposed consent application is not granted final approval within such time.

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