



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/032/M 6390-6400 Fifth Line

General Description of Application:

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

1. A maximum driveway width of 23 metres for the shared two-way driveway between Buildings M and N, whereas a maximum two-way driveway width of 15 metres is required;
2. A minimum landscape buffer of 4.0 metres for Building N abutting Fifth Line, whereas a minimum landscape buffer of 4.5 metres is required abutting a street line;
3. An easement within the required landscape buffer; and
4. A minimum parking area setback of 4.0 metres for Building N abutting Fifth Line, whereas a minimum required 4.5 metre setback is required for a parking area abutting a street line.

The subject property is known municipally as 6390-6400 Fifth Line and is legally described as Part of Lots 7 & 8 on Concession 5. This application is related to Site Plan files (SP-22/22 & SP-23/22) that are currently under review. Through the site plan approval process, the applicant is proposing two industrial warehouse buildings (Buildings N and M), and has requested minor variance approval to facilitate the development. Surrounding land uses are primarily employment and industrial uses.

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

Within the Official Plan, the subject property is designated "Industrial Area" on Schedule B - Urban Land Use Plan. The lands are also located within the Derry Green Corporate Business Park Secondary Plan. The Industrial Area designation is an employment designation which provides for a full range of light and general industrial uses. The Derry Green Secondary Plan includes additional policies that encourage a high quality streetscape design and urban design.

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

Zoning:

The subject lands are zoned Site Specific Business Park Zone (M1*293) under Comprehensive Zoning By-law 016-2014, as amended. The M1 Zone permits a range of employment uses including industrial warehouse buildings.

Variance 1: Driveway Width

Section 5.6.1 ii) Table 5B of the Zoning By-law states that the maximum permitted width for a two-way driveway is 15 metres. The applicant is requesting permission to allow a maximum width of 23 metres for the shared two-way driveway between Buildings M and N from Louis St. Laurent Avenue. An increase of 7 metres.

Variance 2:

Section 8.2, Table 8B of the Zoning By-law states that the minimum required landscape buffer abutting a street is 4.5 metres. The applicant is requesting permission to permit a minimum landscape buffer of 4.0 metres for Building N abutting Fifth Line. A decrease of 0.5 metres.

Variance 3:

Section 3 of the Zoning By-law defines a Landscape Buffer as “the area of a lot, exclusive of any easements”. The applicant is requesting permission to allow an easement within the required landscape buffer.

Variance 4:

Section 5.12, Table 5L of the Zoning By-law states that the minimum required setback for a parking area abutting a street line is 4.5 metres. The applicant is requesting permission to allow a parking area setback of 4.0 metres for Building N abutting Fifth Line. A decrease of 0.5 metres.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, May 10, 2023. As of the writing of this report on, May 17, 2023, 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. Planning staff note the following comments:

Halton Region

Transportation Planning has reviewed the subject application and has no concerns with the proposed variances from the Town’s Zoning By-law, provided the ultimate Fifth Line right-of-way being protected by the Town is kept clear of any development related infrastructure.

Town Site Planner

The associated Site Plan applications (SP 22-22 and SP 23-22) have reached a satisfactory stage to consider the requested minor variances. It should be noted that proposed trees will need to be removed from the landscape buffer within the easement limits.

Development Review Comments:

The proposed industrial warehouse building is currently being reviewed through Site Plan application SP-15/21. Town staff have identified that the site plan has reached satisfactory stage to consider the requested minor variance.

Variance 1: Driveway Width

The applicant is requesting permission to allow a maximum two-way driveway width of 23.0 metres (a difference of +7 metres) for the proposed industrial building. The proposed increase to the two-way driveway is due to the concern of safe truck ingress and egress between the sites. The increase in driveway width would provide for sufficient truck turning movements.

A Transportation Brief was prepared by BA Group in support of the proposed development. The Transportation Brief provided justification and details on the vehicle maneuverability analysis that was completed for the proposed development. Town Transportation staff reviewed the Transportation Brief and confirmed that the proposed driveway width is necessary to ensure that trucks accessing the site can enter/exit the site safely.

Variances 2, 3, & 4 Landscape Buffer and Parking Area Setback

The remaining three variances are all related to the landscape buffer for Building N along 5th line. The applicant has requested a reduction in the minimum required landscape buffer and parking area setback abutting a street from 4.5 metres to 4.0 metres (variances 2 and 4). Additionally, the applicant has requested permission to permit a storm sewer easement within the landscape buffer (variance 3).

Planning staff are of the opinion that the reduction to the landscape buffer along Fifth Line is minor and will not significantly reduce the quality of the landscaping along Fifth Line. The applicant has provided landscaping plans with the corresponding Site Plan application which shows that sufficient landscaping can be provided even with the reduced landscape buffer width and easement. It is noted that while various plants and shrubs can be planted over the storm sewer easement, that trees will not be permitted. The final details regarding the number and variety of plants within the landscape buffer and easement will be finalized through the Site Plan review.

Planning staff have reviewed the requested variances and offer no objection to their approval. 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.

Recommendation:

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

1. The no trees be permitted within the storm sewer easement along Fifth Line.
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.

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