



**The Corporation of the
Town of Milton
Committee of Adjustment Minutes**

April 27, 2023, 6:00 p.m.

Members Present: Chair Kluge, Tyler Slaght, Christopher Trombino, Tharushe Jayaveer, Salman Ellahi

Staff Present: Greta Susa, Serena Graci, Rachel Suffern, Natalie Stopar

The Committee of Adjustment for the Corporation of the Town of Milton met in regular session. Electronically via Live Streaming Video.

1. AGENDA ANNOUNCEMENTS / AMENDMENTS

There are no agenda announcements/amendments.

2. DISCLOSURE OF PECUNIARY INTEREST

Member Ellahi Declared a pecuniary interest for item 5.4, file number A23-028/M for 10 Court Street North, Milton.

3. REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS

There are no requests for deferral or withdrawal of applications.

4. MINUTES

4.1 Minutes of Committee of Adjustment Hearing held on Thursday March 30, 2023.

BE IT RESOLVED THAT

1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, March 30th 2023 BE APPROVED.

Carried

5. **ITEMS FOR CONSIDERATION**

5.1 **A23-027M - 252 Oriole Court**

Jennifer Thomas, the applicant, address: 252 Oriole Court provided an overview of the application.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-027/M) for 252 Oriole Court in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the gazebo shall be generally located and constructed in accordance with the site plan and building elevations, prepared by SAUZTEQ Engineering Inc. and Caledon Timber Frames, date stamped by Town Zoning on March 27, 2023.
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.

Carried

5.2 **A23-026M - 130 Thompson Road South**

Gabriel DiMartino, the agent for the applicant, address: 8700 Dufferin Street, Vaughan, provided an overview of the application.

Questions to Agent DiMartino

Member Trombino inquired about which part of the building was the 20 metre setback to. Agent DiMartino stated, it is to the closest residential unit, which would be Townhouse unit #1.

Member Ellahi inquired about whether the 20 metre setback is from Tower one to Tower two. Agent DiMartino clarified the 20 metre setback is from the closest residential unit from the South property line.

Member Ellahi asked agent DiMartino, in reference to variance #6 if he could clarify which balconies are coming under the mixed-use. Agent DiMartino stated this is one of the new requirements under the MTSA

Zoning By-law, which only allows balconies in front yards for mixed-use development. According to rendering #3, the previous By-law would only permit balconies fronting in the front yard. Since the development has balconies on all four corners of the building, that is the relief that is being requested.

Member Ellahi asked agent DiMartino to further clarify the interpretation of variance #6, and whether he is requesting balconies on the main, second and third floor where there are commercial uses as the variance is requesting balconies in the mixed use building. Agent DiMartino stated, the entire project is a mixed-use building by virtue of the fact it is a project of the whole, as there is 12,000 square feet of ground floor commercial uses, which deemed to be a mixed-use project for the entire site.

Member Trombino asked agent DiMartino in regards to variance #9, to explain the rationale behind reducing the amount of parking spots for all three buildings combined. Agent DiMartino claimed when the previous owner submitted their application there were extensive parking studies. With the undertaking of the MTSA boundary, Town Council saw fit to reduce the parking standard.

Public Participation

Katie Butler, the agent for CP Reit Ontario Ltd and Loblaws Inc - whom are the landowners of 120 Thompson Road South and 820 Main Street East, owning the Superstore and related retail uses adjacent to the proposed development. In 2019, when the lands were first approved to have sensitive residential uses in close proximity to CP Reit Ontario Ltd and Loblaws Inc, the adjacent land owners appealed to the Ontario Land Tribunal and then the Local Planning Tribunal, in which time they were able to solve the appeal through an agreement. Part of the agreement included complex noise mitigation and solar mitigation measures. The Superstore has solar panels at the top of the building which could be impacted by shadows from tall towers at the adjacent proposed development. In addition, the ordinary operations of the superstore makes noise, such as noise within the loading area (truck backup beepers), generators on rooftops of the buildings, etc - which is in accordance with the noise, By-law. In 2019, there were experts who studied to determine what was necessary to ensure the proposed development was compatible with the existing Superstore and its operations, in which they came to an agreement. The current variances requested, proposes to change some of the aspects of that agreement, thus the agent's client is concerned that the

new requested variances have not been sufficiently studied from a compatibility perspective given that the agreement between the parties was in relation to the prior approved instruments. The changes to the proposed variances include, an increase in the height, which may impact the solar panels on the Superstore's rooftops. The addition of the outdoor living areas of the proposed townhouses at grade may mean you may end up hearing noise from the noise of the Superstore's operations. The agent has requested the committee defers the application for 30 days, so her clients have time to study the new proposed variances to make sure they are still compatibility with the newly proposed variance. Lastly, Katie Butler stated the official plan requires compatibility be ensured with existing uses when introducing intensification of a residential nature particularly, when it is on a non-residential site previously, in which compatibility has not been ensured.

Questions to member of the public

Member Ellahi inquired if the requested 30-day deferral would be a sufficient timeframe. Katie Butler confirmed they didn't have enough to study the new proposed variances and are asking for a minimum 30-day deferral.

Questions to Planner Suffern

Member Jayaveer inquired about whether it was because of the new By-law that came out through the MTSA study that the applicant is now introducing the townhouse use in their application. Planner Suffern claimed through the initial OPA and ZBA the applicant was permitted up to 810 units, thus the introduction of the townhouse dwellings does help them achieve that total. The inclusion and update of the definition of the mixed-use building also assists the applicant in achieving the placement of the townhouse units. The townhouse units could have been permitted prior to the updated zoning By-law should they have been placed differently on the site.

Member Ellahi inquired if a 30 day deferral is a sufficient time frame, and if it is going to adversely affect the application process. Planner Suffern claimed there is currently a concurrent site plan application being considered, in which a re-submission is required. The applicant is waiting to re-submit once the variances are approved just in case there needs to be any updates or alterations to the site plan.

Member Ellahi also inquired about the solar panels on the adjacent property (Superstore) and whether or not a shadow study was completed for this project. Planner Suffern stated there was a shadow study completed and submitted through the concurrent site plan application, in which Engineering staff are satisfied.

Member Trombino inquired about proposed variance #9, and if in Planner Suffern's experience is she has seen issues forthcoming with parking rates of this amount. Planner Suffern stated the MTSA By-law is fairly recent at the Town and there hasn't been a development completed under this parking rate. However, those rights have been established as a right through MTSA. Through MTSA that permits this parking rate, there were comprehensive parking reports and studies done, and further the applicant did provide rationale and justification as to why their development does support the parking requirements that are being requested.

Member Slaght inquired, that if the issues raised by the public this evening have been or will be reviewed by the Site Plan review. Planner Suffern stated, there has been a noise and vibration study that was submitted in part with the Site Plan application that has been peer reviewed, thus planning staff are satisfied in that regard. There was a holding provision placed on the site, to give the applicant time to complete the study. Through the removal of that holding, they were satisfied on a staff and council level that the issues and concerns were resolved.

Chair Kluge asked agent DiMartino if he would be willing to entertain a deferral. Agent DiMartino stated his preference is not to have a deferral because everything that the municipality and the committee has reviewed has satisfied any of the concerns Miss Butler has put forward. Council and Staff saw fit to remove the holding provision, and they are still going through Site Plan approval. His concern with the deferral is, it sets them actually two months back, with the 20 day appeal period, and there is no guarantee in a month from now they will come to an agreement with the adjacent landowners, Miss Butler and her client may wish to request further deferral.

Member Jayaveer asked Planner Suffern to provide more information about the holding removal. Planner Suffern stated upon the original zoning By-law amendment, there was a holding provision placed on the property, to give the applicant time to complete certain provisions, one of those provisions being noise. The holding was lifted by Town Council on March 6th, 2023, at which time the applicant provided a noise and vibration study

which was peer reviewed, in which they were satisfied that all the provisions and criteria and the intent of the holding were met.

Member Jayeveer inquired if there was a notification process when the holding provisions were lifted. Planner Suffern stated in accordance with the Ontario regulation pertaining to zoning By-law amendments, notice is given to the owners of the subject property, along with the clerk of both the local and upper tier municipality. Through the formal zoning By-law amendment process, notice would have been granted to surrounding landowners.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23– 026/M) for 130 Thompson Road South in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That Site Plan Approval be granted prior to Building Permit Issuance.
2. That a Building Permit be issued 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

Carried

5.3 A23-025M - 4192 15 Side Road

Arlene Beaumont, agent for the applicant, address: 2140 Winston Park Drive suite 26 provided an overview of the application.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-025/M) for 4192 15th Side Road in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That a building permit application be obtained within two (2) years from the date of this decision;

2. That a CH permit be obtained from Conservation Halton for the proposed development; and;
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

Carried

5.4 A23-028M- 10 Court Street North

Muhammed Faisal Zia, applicant, address: 10 Court Street North provided an overview of the application.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-028/M) for 10 Court Street North in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the expansion to the legal non-conforming single detached dwelling be in accordance with the plans submitted by Shafe Inc. and stamped by Town of Milton Zoning staff on March 27, 2023;
2. That a building permit application be obtained within two (2) years from the date of this decision;
3. That a curb cut entrance permit be obtained; 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.

Carried

6. NEXT MEETING

Thursday, May 25, 2023 commencing at 6:00 p.m.

7. **ADJOURNMENT**

There being no further business to discuss the Chair adjourned the meeting at 6:54 p.m.

Serena Graci, Secretary Treasurer