



The Corporation of the
Town of Milton
Committee of Adjustment Minutes

October 26, 2023, 6:00 p.m.

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

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 were no agenda announcements/amendments.

2. **DISCLOSURE OF PECUNIARY INTEREST**

Member Slaght declared a pecuniary interest for application, file number A23-085/M, municipal address: 13311 Sixth Line Nassagaweya, as he works for Grand River conservation who commented on the application.

Member Ellahi declared a pecuniary interest for application, file number A23-051/M, municipal address: 1339 Chretien Steet, as the drawings were prepared by his office.

3. **REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS**

3.1 **A23-082/M 4250 Donaldson Lane**

Application A23-082/M, municipal address: 4250 Donaldson Lane has been deferred until a later date. Public notice will be sent out when this application proceeds.

4. **MINUTES**

BE IT RESOLVED THAT

1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, September 28, 2023 BE APPROVED.

Carried

5. HOUSEKEEPING ITEMS

Chair Kluge provided an overview of the housekeeping items.

6. ITEMS FOR CONSIDERATION

6.1 A23-074/M - 629 Trudeau Drive

The agent for the applicant, Malav Shah, address: 83 Garth Massey Drive, Cambridge provided an overview of the application.

Questions to the Agent

Member Ellahi inquired, as mentioned in the drawings if a part of the driveway would be removed and put landscape back in. Agent Shah stated that is correct.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23- 074/M) for 629 Trudeau Drive in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the minimum required 0.6 metre permeable residential landscape surface abutting the interior side lot line be reinstated in accordance with the Zoning By-law;
2. That a building permit application for the accessory apartment be obtained within two (2) years from the date of this decision; 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 and/or a building permit is not secured.

Carried

6.2 A23-077/M - 442 Cedric Terrace

Owner, Majid Shamil, address: 442 Cedric Terrace 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- 077/M) for 442 Cedric Terrace in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Majid Shamil, date stamped by Town Zoning on September 8, 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

6.3 A23-084/M - 11295 Guelph Line

Agent for the applicant, Amritpal Bansal, address: 106 Fruitvale Circle, Brampton, provided an overview of the application.

Public Participation

Sheila Isnor, address: 11289 Guelph Line Campbellville, the neighbour directly beside asked the committee why the existing house is not going to be taken down (it is a heritage house, but it is not designated). She claimed this house already has a well and a weeping bed, which she can understand the weeping bed is not big enough to accommodate the new house. She is concerned about having two dwellings on the property. As of right now, there is a natural water waste that goes there, that abuts to her property, and the properties between herself and the park entrance, so when the subject properties' culvert is blocked with construction, the culvert is not going to have a happy life, as there is already flooding as it is, and will continue to be flooding. The drawings show the new weeping bed is going to be at the back half the house and up a hill, which is the highest point between the school and the park, thus the weeping bed will be up pretty high. The drawing shows they are going to be putting in another well which in turn could affect the neighbouring properties, as there is already a well on the property that works for the house. The

drawings also show the existing septic and the existing septic beds and tanks are going to stay, if the existing house is no longer going to be used as a house, and rather storage then why does the owner need weeping beds. Overall, the member has concerns about the water table that's going to get affected by there being a second well.

Bob Violet, address: 11453 Guelph Line representing his mother who lives at 11261 Guelph Line. His mother is concerned on why the owner is keeping the existing house, and there being constant flooding. He claimed it took the town 3 years to clear a culvert near his own property, and thus his mother is concerned that she is going to get flooded out. She is also concerned someone is going to get hurt in the existing dwelling.

Nawar Danou, address: 11277 Guelph Line addressed the flooding situation. He echoed the same concerns around the septic and well, and the second well being put in. But in addition to that, he is concerned about the water and flooding issue and the fact the grading of the house may have not been taken into consideration. Member Ellahi asked the member of the public if he could show the committee how the flooding is happening. The member of the public projected the drawing and illustrated to the committee where the flooding is coming from.

Julia Doma, address: 11269 Guelph Line reiterated how the subject property owner's culvert travels through all of the properties, which is her main concern of the flooding. She also believes having a second water well, would tap into all of the veins of the neighbouring properties water wells, and they should just keep the existing well that is there. She stated the house is a single resident property, by keeping the existing house on the property, would potentially allow the property to be a two-family dwelling.

Kevin Isnor address: 11289 Guelph Line believes by allowing the owners to keep the original property as means for storage, will ultimately put a house in his front yard and back yard. He stated he has no objections to the owners building a new home, but the old home on the property needs to be torn down and the new house needs to be built without all of these variances.

Comments from agent Amritpal Bansal

Firstly, the agent does recognize the property land is high at the back and low at the front, thus there is an unnatural drainage pattern that occurs. The construction of the new house will help the water drainage problem

that is already there. The owner does have a grading plan that is prepared and the on the property line the water drains to the front rather than the sides of the property. All the water is contained as much as possible without disrupting the natural flow within the owner's property.

In regard to the existing septic and well, the existing dwelling is going to be converted into an accessory structure, thus there is a condition it is going to be de-commissioned.

The new water well is being made as it needs to be closer to the proposed dwelling. The older water well is a dogged out well, whereas the new standards a drilled well is much for more efficient for a new home, which is what the new well will be.

In terms of the existing dwelling and converting into an accessory dwelling, the owner actually does not want to convert it. Rather they were advised by Town Staff that the existing dwelling is a property of interest, thus they had to get a heritage impact assessment report done, and thus town staff claimed it could possibly become a designated heritage home.

Member Ellahi inquired if the new dwelling would be the primary dwelling for the resident. The agent claimed once the dwelling is completed, and the original dwelling is converted to an accessory unit, the tenants currently living there would have to leave, and the owner of the property would move into the new dwelling unit.

Chair Kluge asked, until the new house is built the tenants will continue living in the existing house, which is why they still need the well and septic. But once the new home is completed and the owner moves in, the well and septic connected to the existing dwelling would be de-commissioned. The agent claimed that is correct.

Questions to Planner Taylor Wellings

Member Trombino asked Planner Wellings to clarify if the new dwelling that is being proposed would be allowed without a minor variance, subject to the existing home being demolished. Planner stated the proposed dwelling, meets all zoning provisions for that zone, except for the building height. The size of the dwelling is permitted, and the lot coverage is 10% and the property is allowed up to 20% in the zone.

Member Ellahi inquired about the existing barn, that would be demolished to make room for the proposed house, and whether or not that was taken into consideration with the heritage assessment. Planner Wellings stated

the heritage planner reviewed the file in its entirety and it was noted the existing barn does not have heritage value, which is why it can be demolished. Member Ellahi also inquired about the culvert is proposed in the middle of the lot, is for the purpose of drainage from the barn and from the property within. Planner Wellings stated the engineering department did review the application and the homeowner will be required to provide a stormwater brief as part of the building permit process and a grading plan, thus any issues would be sorted out at the building permit stage. Engineering staff need to be satisfied that any runoff or stormwater issues will be dealt with on site, and thus they don't have any concerns.

Member Jayaveer inquired if the region would do any assessments of the well prior to the building permit stage. Planner Wellings stated the regional staff will require a hydro archaeology study, which will be completed prior to the building permit process, which is tied back to stormwater management and ensuring any issues are dealt with prior to building permit approval. Member Jayaveer also asked Planner Wellings to speak about the heritage value of the existing dwelling. Planner Wellings stated this home was identified and is a listed property through their heritage registrar. It is not designated, rather it is a volunteer process to be designated. The town has made the homeowner aware and has the information available should they choose to designate the property. Overall, the town believes there is value in keeping the home, in particular the style of home and the window features are significant.

Chair Kluge asked who owns the culvert. The audience claimed it is a private culvert and not owned by the town. Planner Wellings stated, she is happy to bring any issues with the culvert back to engineering staff and they can set up a meeting if needed. Chair Kluge also inquired as stated in the report the house is being taken off the heritage list, and this he asked if it does or doesn't have heritage value. Planner Wellings claimed there has been a change made to Bill-23, as of right now the property is listed and it can be designated, and the town's goal is to see the property designated. However, because of these recent changes, if the property is not designated by January 2025, it can be demolished at any time. Thus, the town's goal is to see the property designated before 2025 because of these provincial changes. Chair Kluge also inquired if conditions 6. C and 6.D and whether or not those are they would not be able to be cleared since the owner does not plan to demolish the existing building. Planner Wellings stated those conditions will actually be able to be cleared as the

kitchenette and bathrooms in the existing dwelling will need to be removed and thus, she would like to keep those conditions.

Member Trombino asked for clarification on condition #5, and if it means the servicing including on the existing well would be removed at time of de-commissioning and the same time the washrooms and kitchenette would be removed from the existing dwelling. Planner Wellings stated that is correct, and thus the wells and septic systems will be de-commissioned and there will only be one on the property.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-084/M) for 11295 Guelph Line in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the proposed development shall be located and constructed in accordance with the site plan and building elevations, prepared by Khalsa Design Inc. date stamped by Town Zoning on August 29, 2023.
2. That a Building Permit be applied for and received prior to construction of the new single detached dwelling and a permit be received for the existing detached dwelling prior to conversion.
3. That prior to Building Permit issuance, a demolition Permit be obtained prior to the removal of the existing 'Barn'.
4. That the heritage dwelling be used for personal use and living space and will not be used for human habitation.
5. That prior to Building Permit issuance, Town Staff confirm the appropriate private site servicing scheme for the proposed development and any services that will not be used or are connected to the existing detached dwelling will be decommissioned.
6. That prior to Building Permit issuance for the new single-detached dwelling, the applicant must provide a Letter of Undertaking to the Town of Milton agreeing to:
 1. Provide a performance guarantee in the amount of \$10,000.00 to ensure the conversion of the existing single detached dwelling upon completion of the new dwelling.

2. Discontinue the residential use of the existing single detached dwelling upon occupancy of the new dwelling.
 3. Obtain a Building Permit for the demolition of the existing dwelling prior to occupancy being granted for the new single detached dwelling.
 4. Complete all works associated with the demolition of the existing detached dwelling within 90 days of occupancy being granted for the new single detached dwelling.
7. 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

6.4 A23-085/M 13311 Sixth Line Nass

Agent for the applicant, Justine Nigro, address: 234 Nelson Street, Stratford provided an overview of the application.

Questions to the Agent

Member Ellahi inquired if the new extension of the existing garage is only for the purpose of storage. Agent Justine Nigro stated it is indeed for storage only.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-085/M) for 13311 Sixth Line Nassagaweya in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That a building permit be obtained for the existing cabana;
2. That a building permit application be obtained within two (2) years from the date of this decision for the addition to the detached garage; 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,

Carried

6.5 A23-087/M - 1379 Marshall Crescent

Owners, Jim Owen and Kayla Corkum, address: 1379 Marshall Crescent provided an overview of the application.

Questions to the Owner

Member Ellahi inquired how the far the structure is from the property line. The owner's stated the structure is one metre from the property line.

Member Trombino inquired if the structure is in its finished condition. The owners stated it is in its finished condition.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-087/M) for 1379 Marshall Crescent 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 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

6.6 A23-051/M - 1339 Chretien Street

Owner, Samad Siwani, address: 1339 Chretien Street, 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 (A23-051/M) for 1339 Chretien Street 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 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

6.7 A23-076/M - 406 Nakerville Crescent

Imran Khan, agent for the applicant, address: 2237 Colonel William Parkway Oakville provided an overview of the application.

Questions to Planner Taylor Wellings

Chair Kluge inquired about the extended existing wooden fence is in compliance with any sort of fence By-law, Planner Wellings stated it is in compliance.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23- 076/M) for 406 Nakerville Crescent in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Imran Khan, date stamped by Town Zoning on September 15, 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

6.8 A23-078/M 588 Boyd Lane

The owners, Sherif Mikhail and Carmen Abdelsayed, address: 588 Boyd Lane 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 (A23-078/M) for 588 Boyd Lane in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Sherif Mikhail, date stamped by Town Zoning on September 11, 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

6.9 A23-079/M - 750 Fourth Line

The owner, Gopinathan Venkitapathy, address: 750 Fourth Line provided an overview of the application.

Questions to Planner Taylor Wellings

member Ellahi inquired why the agent on file is not speaking to the application this evening. Planner Wellings stated there was an agent on file to help prepare the drawings and the owner attended the meeting to represent the file.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-079/M) for 750 Fourth Line in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Urban Building Designs, date stamped by Town Zoning on September 13, 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

6.10 A23-080/M - 1231 McPherdan Lane

Agent for the applicant, Harjot Kaur, address: 2131 Williams Parkway Brampton 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 (A23-080/M) for 1231 Mcpherdan Point in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Noble Prime Solutions Ltd., date stamped by Town Zoning on September 18, 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

6.11 A23-081/M 1412 Rose Way

Agent for the applicant, Ahmad Elkaranshawy, address: 75 Bold Street Hamilton provided an overview of the application.

Questions to the agent

Member Ellahi asked the agent to confirm the below grade stairs in the backyard are a walkout. Agent Elkaranshawy stated that the creation of a walkout with a separate entrance is within the minimum setback requirements.

Questions to Planner Taylor Wellings

Member Ellahi inquired if a minor variance is needed for the below grade stairs that are coming out beyond the property line. Planner Wellings claimed there is no other variances required as they meet the setbacks and if anything were to come up at the building permit stage then it would have to come back for a variance, however zoning staff has confirmed there are no other variances.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-081/M) for 1412 Rose Way in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Ahmad Elkaranshawy date stamped by Town Zoning on September 15, 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

6.12 A23-083/M - 11115 Rutledge Way

Agent for the applicant, Carl Anso, address: 4 Jenson Boulevard Guelph provided an overview of the application.

6.13 A23-086/M - 54 Steeles Avenue

The agent for the applicant, Mairna Huissoon, address: 336 Bronte Street South, Milton provided an overview of the application.

Questions to the Agent

Member Ellahi inquired whether or not the mezzanine is completed from the front to the back. Agent Huissoon stated that there is a ceiling structure that could support a mezzanine but there is no use over there. And the new mezzanine is only at the front, 40% of the unit area.

Questions to Planner Suffern

Chair Kluge inquired if you could cap the parking at 197 parking spots with a zoning By-law amendment and has there been any complaints lodged about the parking. Planner Suffern stated at this time there hasn't been any parking related complaints. The town's concern with capping parking is, you are potentially adding to the demand, and thus they want to make sure able to evaluate that based on the existing GFA.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-086/M) for 54 Steeles Avenue in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the gross floor area of the proposed mezzanine shall be a maximum of 146 square metres, in accordance with the site plan and floor plans, prepared by Green Propeller Design Architecture & Building Services, date stamped by Town Zoning on May 17, 2023.
2. That the Owner demonstrate to the satisfaction of the Town of Milton that they will be able to achieve all proposed TDM measures outlined in the Parking Justification Study dated August 2023 by LEA Consulting Ltd. including any ongoing programming or management that may be required for program success. All costs associated with the implementation of the TDM measures are the responsibility of the Owner.
3. That a building permit application be obtained within two (2) years from the date of this decision.
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

7. NEXT MEETING

Thursday, November 30, 2023 commencing at 6:00 p.m.

8. ADJOURNMENT

There being no further business to discuss the Chair adjourned the meeting at 7:30 p.m.

Serena Graci, Secretary Treasurer