



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-005M - 3025 James Snow Parkway

General Description of Application:

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

- A commercial use, to have a minimum setback of a parking area from a lot line of 0.0 metres, whereas the Zoning By-law requires 1.5 metres.

The subject property is known municipally as 3025 James Snow Parkway and is legally described as Part of Block 4 on 20M-952. Surrounding land uses include convenience store, warehouse and business park uses. The lands are located directly north of James Snow Parkway and west of Regional Road 25.

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

The subject property is designated as 'Business Park Area' on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan. The lands are further designated as 'Business Park Area' within the 401 Business Park Secondary Plan.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan and 401 Business Park Secondary Plan, as amended.

Zoning:

The subject lands are zoned Business Park (M1*132) within the Urban Zoning By-law 016-2014, as amended.

Section 5.12 Table 5L of the Zoning By-law requires that, in instances of a commercial use, a parking area is setback 1.5 metres from a lot line. To accommodate the proposed mutual access with 8551 Escarpment Way, the applicant is requesting a reduction in setback to a lot line, resulting in a 0.0 metres setback.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, January 13, 2022. As of the writing of this report on, January 18, 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.

Development Planning Staff confirm that a Consent Application will be required to establish a mutual access easement for both 3025 James Snow Parkway and 8551 Escarpment Way.

The Site Planner reviewing the concurrent Site Plan Approval application (SP-15/22) has confirmed that the site plan has advanced to a satisfactory stage to consider the minor variance being requested.

Planning and Development Department Comments:

The applicant has requested a minor variance to accommodate a reduced setback for a parking area adjacent to a lot line. The subject property currently contains a gas bar.

The neighbouring lands at 8551 Escarpment Way are undergoing a concurrent Site Plan Approval application to enable the construction of an industrial development. The owners of both 8551 Escarpment Way and 3025 James Snow Parkway intend to create a future access from Regional Road 25 to serve both properties.

To access the future entrance on Regional Road 25, traffic from 8551 Escarpment Way will cross the subject site's lot line. Therefore, a forthcoming Consent Application to establish a shared access easement is required so that internal traffic can legally flow from 8551 Escarpment Way to 3025 James Snow Parkway and vice-versa. As a result, the drive area and parking area will be 0.0 metres setback from the lot line to create the mutual access.

Planning Staff are of the opinion that the requested relief is minor in nature as it is creating a shared access point between the sites and will not impact the overall use of the properties in way of functionality. Further Transportation Planning Staff are reviewing the concurrent Site Plan Approval application and express no concerns in respect to the addition of the proposed access. All pedestrian walkways and buildings are sufficiently setback from the parking areas and driveways such that a safety issue is not being created by the reduced setback.

Planning Staff have reviewed the requested variance and do not object to its approval. Based on the aforementioned, it is Planning Staff's opinion that the relief is minor in nature, maintains the intent of the Zoning By-law, conforms to the Official Plan and is desirable for the development of the subject lands.

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.

Rachel Suffern

Rachel Suffern, MPA, M.Sc. (PI)
Planner, Development Review

January 18, 2023