



# Memorandum to Committee of Adjustment Members

## Minor Variance Application: A23-038M - 1380 Costigan Road

### 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:

- Requesting permission to allow stairs and landings to be located closer to the lot line than the required 1.0 metre for stairs and 1.5 metres for landings (see attached Summary of Reduction sheet)

The subject property is known municipally as 1380 Costigan Road and is legally described as Part of Lot 11, Concession 4 (HSCP 604). The lands contain a townhouse condominium with associated parking and greenspace. Surrounding land uses include residential and stormwater management facilities.

The stairs and/or landing affecting 31 units are subject to this application. Given that the stairs and landings are identified as common elements, all 31 stairs and/or landings are being considered in one application on behalf of the condo corporation.

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

The subject property is designated Residential Office Area.

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

### Zoning:

The subject lands are zoned site-specific Residential High Density (RHD\*70B). Permitted uses within the zone include only back-to-back townhouses and multiple dwellings.

With exception of the relief being requested through this application, pertaining to Section 4.19.5 i) Table 4H of the Urban Zoning By-law, the development maintains all other provisions.

### Consultation

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, June 15, 2023. As of the writing of this report on, June 21, 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 and Development Department Comments:**

The applicant has requested a minor variance to legalize the identified common-element stairs and/or landings that directly affect 31 units. Upon construction, the identified stairs and/or landings were not constructed in accordance with site plan approved drawings so far as the elements' setback to the lot line - therefore, a minor variance and subsequently, a building permit would be required to legalize these elements.

In order to do so, the applicant has requested that the stairs and/or landings are able to encroach to the lot line with resultant setbacks ranging from 0.30 metres to 0.96 metres. The resultant setbacks for each unit have been identified through Figure 2 in this report.

Planning staff have consulted Town operation staff to ensure that the provided setbacks are sufficient in order to accommodate maintenance of the Town-owned boulevard, including snow removal. Operations staff confirmed that a minimum unobstructed 0.30 metre setback is required to ensure there is no conflict for ongoing Town maintenance, nor a safety issue.

As such, planning staff offer no objection to the approval of this application as the resultant setbacks will not hinder maintenance of the public right-of-way, the relief does not impact adjacent lands and that the elements provide clear access to the identified units for owners/tenants. Based on the aforementioned, planning staff are of the opinion that the variance is minor in nature, desirable for the subject lands, conforms to the Official Plan and maintains the intent of the Zoning By-law.

## **Recommendation:**

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

1. That the landings and stairs shall remain located in accordance with the survey and building elevations, prepared by Rose Surveyors Inc., date stamped by Town Zoning on May 17, 2023.
2. That Trustee Clearance be obtained, confirming the landowner is in good standing with the Landowner's Group, prior to building permit issuance.
3. That the stairs/landings affecting units 32 and 35 be re-constructed to comply with the Zoning By-law.
4. That a building permit application be obtained within two (2) years from the date of this decision.
5. 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.

## **Rachel Suffern**

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June 21, 2023