



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/045/M 200 Chisholm Drive

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 maximum building height of 6.91 metres for an accessory structure, whereas a maximum building height of 5.5 metres is permitted for accessory structures in a non-residential zone.

The subject property is known municipally as 200 Chisholm Drive and is legally described as Concession NE Lots 1 & 3 on Reference Plan 20R-10363 Parts 1 & 4. The lot is located on the south side of Chisholm Drive in an industrial subdivision south of the 401.

The applicant has requested a variance to permit an accessory structure for equipment storage. The structure is proposed to be located adjacent to the northern side of the building.

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

The subject property is designated as Industrial Area in the Town of Milton Official Plan and in the 401 Business Park Secondary Plan area. The Industrial Area designation is an employment designation which provides for a full range of light and general industrial uses.

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 as General Industrial zone (M2) in Zoning By-law 016-2014 as amended. The M2 zone permits a variety of industrial uses including outdoor storage.

Section 4.2.3 i) Table 4B states that a maximum building height of 5.5 metres shall be permitted for an accessory structure in a non-residential zone. The applicant is requesting permission to permit an accessory structure height of 6.91 metres (an increase of 1.4 metres).

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, July 11, 2023. As of the writing of this report on, July 19, 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. The following comment is noted:

Halton Region

It should be noted that the entire property is identified as having archaeological potential. Although an archaeological assessment is not required by Halton Region, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites and the Ministry of Citizenship and Multiculturalism. All soil disturbance must stop to allow the authorities to investigate.

Development Review Comments:

The applicant has requested a variance to permit an accessory structure for equipment storage. The structure is proposed to be located adjacent to the northern side of the building.

The intent of this Zoning By-law provision is to ensure that accessory structures remain clearly secondary to the primary use and do not adversely impact adjacent properties. Staff have no objection to the proposed height of the accessory structure as the structure will be clearly secondary to the primary structure it will not adversely impact adjacent industrial lands.

Based on the foregoing, staff is of the opinion that the requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning Bylaw and is desirable for the development and use of the land.

Recommendation:

THAT the application for minor variance 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.

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