



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/116/M 11179 Guelph Line

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variance to Zoning By-law 144/2003, as amended, has been requested to permit:

- A minimum lot area of 5,471 square metres for Lot 1 (shown as part 1);
 - A minimum lot area of 5,059 square metres for Lot 3 (shown as Parts 3,6 & 7); and
 - A minimum lot area of 5,332 square metres for Lot 4 (shown as Part 4);
- whereas a lot area of 6,000 square metres is required.

The subject lands are known municipally as 11179 Guelph Line, and are located on Guelph Line across from Blacklock Street in the Hamlet of Brockville. The property currently contains a 2 storey single detached dwelling and a detached garage. The single detached dwelling is a listed heritage building. The surrounding land uses are predominately single detached dwellings on large lots

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

The subject property is designated “Hamlet” Area on Schedules 1 & A and “Hamlet Commercial” on schedule C.4.A of the Town of Milton Official Plan. The Hamlet and Hamlet Commercial designations permit a variety of residential and convenience commercial uses which are intended to provide services to local residents.

Section 2.1.3.3 states that within the rural area, the Town’s three Hamlet Areas (Campbellville, Brookville and Moffat) will continue to be the focus of settlement, providing limited opportunities for development, and that growth beyond the existing Hamlet Area boundaries is prohibited.

Section 2.6.3.35 states that all necessary Regional approvals for Hamlet Area Wastewater and Water facilities must be obtained in order for development to proceed.

Section 4.5.3.2 d) states that Development within areas designated Hamlet Area shall only be permitted subject to approval of all private wastewater and water facilities by the Region of Halton.

Section 5.7.3.7 indicates that a consent should only be considered where a plan of subdivision is deemed to be unnecessary and where the application conforms with the policies of this Official Plan. It is the opinion of staff that the proposed creation of a new lot does not warrant a Plan of Subdivision.

Section 5.7.3.10 outlines general policies which shall be utilized for evaluating consent applications including road access, lot access, and wastewater and waterservices.

Lastly, the lands are identified in the Hamlet of Brookville Secondary Plan. Section C.4.1.5 states that the minimum net lot size for new development shall be in accordance with the Hydrogeological Investigation for the Hamlet of Brookville (1982), specifically 0.5 ha., and may be increased should the site conditions and proposed uses so warrant.

While additional lots and intensification is contemplated in the Hamlet Areas as defined in the Town of Milton Official Plan, the subject application has not demonstrated to the satisfaction of Halton Region that the proposed private wastewater facilities are appropriate to service the proposed lots. For these reasons, it is Planning Staff's opinion that the proposal is not in conformity with the Town of Milton Official Plan, as amended.

Zoning:

The subject lands are currently zoned Hamlet Commercial (C4) Zone under the Town of Milton Zoning By-law 144-2003, as amended. This zone permits residential uses including single detached dwellings provided that the performance standards of the zone can be met.

Section 7.2, Table 7D of the Zoning By-law requires a minimum lot area of 6,000 square metres. The applicant has proposed for the three new lots to have lot sizes of 5,471 square metres (Part 1), 5,059 square metres (Parts 3,6,7), and 5,332 square metres (Part 4).

A minor variance application (Town File: A23-116M) has been submitted to reduce the minimum required lot size for the 3 proposed lots.

As no building concepts are being proposed through this application, any future buildings will need to be evaluated for compliance with the Zoning By-law through a future Building Permit applications.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, February 7, 2024. As of the writing of this report on, February 14, 2024, staff have not received any comments from members of the public on the minor variance application.

Planning staff note that the related consent applications (Town Files B21-005, B21-006, & B21-007) were circulated in accordance with all requirements of the Planning Act, to all property owners within 120 metres of the property on May 27, 2021 and June 17, 2021. The public notice was circulated twice to residents due to an administrative error by Town Staff. No changes to the subject applications were made at that time.

The Town received 12 written public comments in opposition to the proposed development. The public comments provided identified the following concerns:

- Changes to the existing stone heritage house;
- Hazards from construction and additional traffic on the existing community, children, park, and school.
- Impact on the character or the neighbourhood;
- Impact on the community's water supply including wells and water pressure;
- Impact on wildlife;

- Increased traffic on Guelph Line;
- Loss of trees and greenspace;
- Lot is too small to be severed; and
- Setting a precedent for future developments.

Agency Consultation

The following comments were received from Town Staff and External Agencies:

Halton Region

Halton Region has reviewed the subject minor variance application and related consent applications and has identified concerns regarding wastewater servicing. In accordance with Provincial, Regional, and Town of Milton policies, Regional approvals must be obtained for all wastewater and water facilities in order for development to proceed.

Halton Region has identified that the proposed site servicing must be evaluated in accordance with Region's Hydrogeological Studies and Best Management Practices for Groundwater Protection Guidelines (Regional Guidelines), which contain Halton's requirements for hydrogeological studies for development based on private water and sewage systems. Halton Region has identified that one of the objectives of the Regional Guidelines is to ensure that there is no need for human intervention and major technological fixes and monitoring by the Region or Town to ensure public health protection.

The applicant submitted a Stage 1 Hydrogeology Study in support of the application which recommends that a tertiary sanitary treatment system be used for the proposed lots. The study was reviewed by Halton Region staff and peer reviewed by the Region's Peer Reviewer. Regional staff concluded that the Regional Guidelines do not recognize tertiary treatment systems as they pertain to new lot creations. Instead a conventional system is assumed in order to ensure that in all circumstances, including in the case of the failure of a tertiary treatment system, that a lot is able to maintain self-sufficiency and meet the 10 mg/L nitrate standard for drinking water at the property line.

Based on the impact assessment provided, the calculated nitrate-nitrogen concentrations at the property limits for lot 1, lot 3 and lot 4 are above the Ontario Drinking Water Quality Standard (ODWQS) of 10 mg/L and therefore under the requirements of the Regional Guidelines. Halton Region staff notes that the lot sizes as proposed, pose a potential health-risk to water well supply users down-gradient of the proposed development. If is for this reason that Halton Region does not support the subject consent and minor variance applications.

Town of Milton Planning staff note that the in addition to site servicing, the Region has provided the following transportation related comments:

Guelph Line Right-of-way Requirement

Any lands within 17.5m of the centreline of the original 66ft right-of-way of Guelph Line (Regional Road 1) that are part of the subject property shall be dedicated to the Regional Municipality of Halton for the purpose of road right-of-way widening and future road improvements. This land dedication must be clearly illustrated and dimensioned on development plans.

All lands to be dedicated to the Regional Municipality of Halton shall be dedicated with clear title (free and clear of encumbrances) and a Certificate of Title shall be provided in a form satisfactory to the Director of Legal Services or his/her designate.

Sightline Review

Transportation Planning has reviewed the Sightline Review submitted with the application. While Regional staff have no comments on the report, in order to implement a driveway to Part 3 to serve both Parts 3 and 4 as recommended in the sightline review, an easement is required on Part 3 to allow driveway access to Guelph Line for Part 4.

Entrance Permit

An entrance permit is required for each proposed driveway to Guelph Line. Detailed design drawings must accompany the access permit that illustrates the driveway works (width, radius, grades, mud mat, culvert width length and location, etc.) required within the Regional right-of-way.

Town Planning staff note that the applicant has revised the survey sketch to identify the required Regional Road Widening (shown as Part 5) and the right-of-way easement for Lots 3 and 4 (shown as part 6).

Conservation Halton Comments

Based on a review of our mapping, the subject property is not regulated by CH, and CH does not need to review this application.

Building Comments

1. No concerns from Building for the request to the reduced lot size.
2. The owner shall ensure that there is adequate space available on the parcel to support a potable well and suitably sized class 4 septic system to serve the future dwelling within the property limits, that is able to achieve the required setbacks as per the Ontario Building Code (Div. B. 8.2.1.6.).

Corporate Services (Finance) Comments

1. Regional development charges and educational development charges are applicable in accordance with the appropriate agency's policies and by-laws. Town development charges and other charges are applicable on any future development in accordance with Town policies and by-laws and other applicable legislation. All development charge inquiries should be directed to DevelopmentFinance@milton.ca
2. Municipal property taxes must be current prior to approval. Inquiries with respect to property taxation should be directed to 905-864-4142 or taxes@milton.ca.

Parks and Facility Planning Comments

Parks planning staff confirmed that they have no concerns with the subject application. Details on parkland dedication and payment in lieu requirements were outlined in the comments.

Heritage Planning Comments

Please note that the Listed Heritage building on Lot Two is to be retained in the Heritage Register. If the opportunity is there, it might be worthwhile to ask the owner if he would like to voluntarily designate the existing heritage stone house.

The following agencies and staff had no concerns:

- Development Engineering
- Milton Hydro
- Bell Canada
- Milton Fire

Development Review Comments:

The Town of Milton has received three consent applications for 11179 Guelph Line to facilitate the creation of three (3) new lots for residential use. It is the intention of the applicant to retain the existing single-detached dwelling and detached garage, shown as Part 2 on the Survey Sketch, and sever 3 lots from the existing property. In addition to the consent applications, the applicant has submitted a minor variance application to reduced the minimum required lot size for the 3 proposed lots to 5,471 square metres, 5,059 square metres, and 5,332 square metres, whereas a minimum lot size of 6,000 square metres is required.

Planning staff note that Provincial, Regional and Local policies contemplate intensification including additional lots, within designated Hamlet areas. It is noted that the subject property is larger in size (2.67 hectares) and that some intensification on the lands may be appropriate.

The subject applications however, have not demonstrated to the satisfaction of Halton Region and the Town of Milton that the proposed lots can be adequately serviced, and that the proposed lots sizes are adequate to support the proposed development. For these reasons, it is Planning Staff's opinion that the proposal is not in conformity with Provincial Policy, the Halton Region Official Plan and the Town of Milton Official Plan.

Recommendation:

THAT the application for minor variance **BE DENIED**.

Natalie Stopar

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February 14, 2024