



The Corporation of the
Town of Milton
Committee of Adjustment Minutes

December 14, 2023, 6:00 p.m.

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

Staff Present: Greta Susa, Serena Graci, Natalie Stopar, Rachel Suffern

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 A23-102/M 13344 Nassagaweya Esquesing Townline, as he works for Grand River Conservation, who is a commenting agency on the application.

3. **MINUTES**

3.1 Minutes of Committee of Adjustment Hearing held on November 30, 2023.

BE IT RESOLVED THAT

1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, November 30, 2023 BE APPROVED.

Carried

4. **HOUSEKEEPING ITEMS**

The Chair provided an overview of the housekeeping items.

5. **ITEMS FOR CONSIDERATION**

5.1 A23-113/M - 6670-6790 Fifth Line

Agent for the applicant, Jessica Kwan, address: 2680 Skymark Avenue, Suite 800, Mississauga, provided an overview of the application.

Questions to Agent Jessica Kwan

Member Ellahi inquired if all the buildings are already tenanted. Agent Kwan claimed only two out of the four buildings are tenanted. Building 1, the North building, has one tenant that has already signed. Building 3 has two tenants, that have already signed. For Buildings 2 and 4, they are still trying to find tenants. Member Ellahi stated, in the drawing it states that building 4 has four tenants. Agent Kwan clarified that it is proposed to have a maximum of four tenants, however this could change through the marketing of building 4. For example, if one of the tenants were after a bigger space, and therefore they would only require tenants. Overall, the intent of the parking variance and the rate that is proposed is to ensure that there is a maximum number of tenants that they could provide, otherwise they would not meet this variance and the minimum number of parking spaces as required. Member Ellahi then asked agent Kwan to clarify if there may need to be another minor variance request in the future, based on the number of tenants in buildings 2 and 4. Agent Kwan stated if the number of proposed tenants increases and thus does not meet the minimum parking rates as per the rate that is being proposed then another minor variance application would have to be brought forward to the committee. However, they do not intend to increase the number of tenants to more than 4, as the units would be too small for the tenants.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-113/M) for 6670-6790 Fifth Line in the Town of Milton **BE APPROVED.**

Carried

5.2 A23-112/M - 905 & 955 James Snow Parkway

Agent for the applicant, Gerry Tchisler from MHBC Planning, address: 442 Brant Street, Suite 204, Burlington and Douglas Scarlett, director of industrial leasing at Oxford properties, provided an overview of the application.

Questions to Gerry Tchisler and Douglas Scarlett

Member Ellahi inquired, if the office space is reduced, does that mean the remaining space gets adjusted into the warehouse space. Gerry Tchisler stated this is correct, as the footprint of the building is already there, thus it is either going to be office or warehouse space, they are looking from anywhere between 5% to 10% to be used as an office component, thus if they wanted more than 5% of office component it is certainly possible. However, they are looking to reduce the minimum requirement to 5%. Member Ellahi asked if they could provide him with a number in square feet as to how much is going to be increased in warehouse area, by reducing the office space. Douglas Scarlett stated, generally speaking if 10% of 75,000 square feet is 7,500 square feet then there would 3,750 square feet of warehouse space versus office space by virtue of the reduction from 10% to 5%.

Questions to Town Planner Natalie Stopar

Member Trombino inquired what would be the community risks of allowing this nature of variance in the area. Town Planner Natalie Stopar claimed she doesn't believe there to be any risks to the community, rather her recommendation to refuse the variance comes from the analysis of the policies of the official plan. The policies at the time the secondary plan was created in 2015 envisioned this business park to have a significant office component, which required a significant office particularly along large corridors, such as James Snow Parkway and Derry Road with portions fronting on those lands designated as prestige office and those connecting points (such as what this designation is), as a street-oriented area requiring a significant office component. A few years ago, when the town completed the original Zoning By-law amendment application, when those policies were interpreted, the Town was comfortable going down to a very minimum of a 10% office component for buildings of this size. Thus, it is in her professional opinion, that reducing the minimum office component down to 5% would no longer be meeting the intent of the policies of having that significant office component. Member Trombino stated he would like to know if there would be any impacts to the surrounding neighbourhoods if the variance was approved. Town Planner Natalie Stopar claimed she doesn't believe there would be a significant impact to the community, as warehouse uses are permitted on this designation provided as a significant office component.

Chair Kluge asked Town Planner Natalie Stopar to clarify if regardless of whether they are warehouses or office spaces the Town's intent is to have high quality design in those corridors. Town Planner Natalie Stopar stated the street-oriented overlay area included policies not only for the types of permitted uses for those lands, but it also included separate policies regarding the urban design of those buildings. Thus, Oxford worked very closely with our site plan staff on the design of those buildings, in order to meet the Town's requirements of urban design along James Snow Parkway. Chair Kluge stated his concern lies on whether or not this is a trend, and whether or not the Town has received previous minor variance applications to reduce office component spaces, and will the Town staff take this under advisement, as 2015 (when the secondary plan was created) is a very different world from 2023. Town Planner Natalie Stopar stated the Oxford development is a part of phase 1 development of the Derry Green Secondary plan, which is a pretty large employment area for the Town of Milton. The only other developments currently within the Derry Green area that are built and occupied are all designated as industrial areas, so this never came up through the tenancy of those buildings. Oxford is quite far along, as they are looking to get tenants. She stated she believes it's quite possible, given the change in market conditions, they could get more requests such as this one in the future, given the demand of office space has really gone down in the last few years, in which the Town has internally been taking a look at this. However, any decision to amend the Town's planning policies would have to be made by Council through an amendment to the secondary plan.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-112/M) for 905 & 955 James Snow Parkway in the Town of Milton **BE DENIED.**

Carried

5.3 A23-100/M - 320 Kingsleigh Court

The agent for the applicant, Mazhar Raja, address: 8250 Lawson Road Milton, provided an overview of the application.

Questions to the Agent Mazhar Raja

Member Trombino inquired if the reduction in setback is on both sides of the dwelling. Agent Raja claimed the setback on one side of the dwelling is 1.2 metres and the other setback on the other side of the dwelling is a little bit more than 1.2 metres, but they intend to keep the setback of 1.2 metres on both sides.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-100/M) for 320 Kingsleigh Court in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the addition shall be generally located and constructed in accordance with the site plan and building elevations, prepared by Caprija Corporation, date stamped by Town Zoning on November 29, 2023.
2. That prior to Building Permit issuance, a Conservation Halton Permit must be provided.
3. That a Building Permit 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

5.4 A23-101/M - 127 Yates Drive

Agent for the applicant, Bhaskar Joshi, address: 7 Archway Trail Brampton provided an overview of the application.

Questions to Agent Bhaskar Joshi

Member Ellahi asked for confirmation that the owners are going to take off the interlock and replace it with sod. Agent Joshi stated the homeowners have agreed to take off the interlock, as it is not in compliance with the zoning By-law.

Questions to Town Planner Natalie Stopar

Chair Kluge inquired what interlock is being taken off of the property. Town Planner Stopar stated all the interlocking Infront of the front door would need to be removed because that would be included as part of the maximum driveway width requirement, as they would have to maintain the maximum driveway width permitted in the zoning By-law. Chair Kluge asked if the interlocking is not considered landscaping in Milton. Town Planner Stopar stated if you can park a vehicle on it, it is considered to be a part of the driveway. The Town does allow flexibility for front walkways, so that is something the owners would have to work with the Zoning staff with, to find something that would comply with the Zoning By-law. Chair Kluge inquired if she knew if agent is agreeable to this. Town Planner Stopar stated there is a condition included in the planning report, that requires the removal of the front yard interlocking to be replaced with sod.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23- 101/M) for 127 Yates Drive 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 Out of the Box Engineering Inc., date stamped by Town Zoning on November 6, 2023.
2. That a portion of the front yard interlocking pavement be removed and replaced with sod to the satisfaction of the Town of Milton.
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

5.5 A23-102/M - 13344 Nassagaweya Esquesing Line

Owners Markus Peter and Julie Yu, address: 13344 Nassagaweya Esquesing Town Line 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- 102/M) for 13344 Nassagaweya-Esquesing TownLine in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the accessory structure be located and constructed in accordance with the site plan and building elevations, prepared by Bankside Design Studio, date stamped by Town Zoning on October 24, 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 'shed'.
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

5.6 A23-103/M - 250 Heslop Road

Owner, Lilly Lo Manto, address: 250 Heslop Road provided an overview of the application.

Questions to agent Amr Serrag Eldin

Member Jayaveer asked for confirmation, if the three parking spaces are within the property lines. Agent Eldin stated, the three parking spaces are within the property lines, one of the variances they are asking for is to make the driveway 25cm more than what is permitted, which is 8 metres to allow three cars to legally park.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-103/M) for 250 Heslop Road 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 Archicreation, date stamped by Town Zoning on November 6, 2023.
2. That the owner constructs the entrance for the proposed secondary dwelling unit in accordance with the updated building elevations, prepared by Archicreation and dated December 6, 2023.
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

5.7 A23-104/M - 386 Blinco Terrace

Owner, Ali Mirza, address: 386 Blinco 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 (A23-104/M) for 386 Blinco 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 Archisystem Inc. date stamped by Town Zoning on November 1, 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

5.8 A23-105/M - 752 Robertson Crescent

Owners, Jeanie and Michael Taylor, address: 752 Robertson Crescent, provided an overview of the application.

Public Participation

Lisa Dilliou, 754 Robertson Crescent stated the owners add on is not small by any nature It is affecting her family in a way where it dwarfs shades her backyard as it is really close to fence line. She is also concerned about the run-off as there is no eavesdrop for run-off. She is forced to put up blinds at her kitchen window, where her and her family sit and eat.

Member Ellahi inquired if her property is on the left-hand side of the property in questions. Lisa claimed she is on the left-hand side closer to the road. Member Ellahi claimed the distance between the new addition of a covered porch to the property line is 3 feet 6 inches, thus how does the neighbour believe the owner's covered porch is affecting her. Lisa claimed it creates shade in her backyard, she is forced to put up blinds from her kitchen window next to where her and her family eat, as the covered porch is all they see, as it is a very large add on. Lisa showed the committee the pictures of her view of the covered porch from her kitchen window. Chair Kluge asked if she is seeing people from her kitchen window on the covered porch. She claimed she is not, but the structure is quite big.

Owner of the subject property, Jeanie Taylor claimed her structure is completely allowable. There is nothing on it, as it is now completed as Lisa the neighbour reporting them to the Town.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-105/M) for 752 Robertson Crescent in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the covered rear deck shall be located in accordance with the site plan and building elevations, prepared by the Owner. date stamped by Town Zoning on November 6, 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

5.9 A23-107/M - 995 Dice Way

Owner, Parus Khushk, address: 995 Dice Way 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 (A23-107/M) for 995 Dice Way in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the secondary dwelling unit and below-grade stairs shall be located and constructed in accordance with the site plan and building elevations, prepared by Parus Khushk & Zain Adeb., date stamped by Town Zoning on October 30, 2023.
2. That landscaping and a fence extension be provided along the below-grade entrance to screen the entrance from the street.
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

5.10 A23-109/M - 1599 Severn Drive

Harjinder Singh, agent for the applicant, address: 28-2355 Derry Road East Mississauga 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 (A23-109/M) for 1599 Severn Drive 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 MEM Engineering Inc., date stamped by Town Zoning on November 1, 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

5.11 A23-110/M - 324 Kingsleigh Court

Harinder Singh, agent for the applicant, address: 28-2355 Derry Road East Mississauga provided an overview of the application.

Questions to Agent Harinder Singh

Member Ellahi asked if the agent could confirm if the site plan is correct, meaning the hard surface is going up to the North lines. Agent Singh stated as per the current conditions it is up to the lot line on the left side, and they are proposing the 8.25 on the right near the porch area, and the soft landscape on the left would stay. Member Ellahi asked for the agent to clarify if there is no softscape between the property line and starting point of the driveway. Agent Singh stated on the left side line there is currently no softscape. Member Ellahi asked if that means if the application is approved there will be a 0.6 metre softscape area between the driveway and the property line. Agent Singh claimed this is correct, if it is required as per the Town's zoning By-law.

Questions to Town Planner Rachel Suffern

Member Ellahi inquired if the site plan is correct, as it states the setback is going to be up until the property line. Town Planner Suffern stated the added hardscape is towards the interior of the lot, the driveway towards

the interior lot line is existing, there isn't a 0.6 preamble surface as it exists today, therefore it is considered a legal non-conforming situation. If the owners extended it further the Town would then apply the Zoning By-law because its existing and pre-dates the current provisions within the By-law. In this instance, it is not something the Town would flag. Otherwise, if the owners were re-doing the whole driveway the Town would require that setback.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-110/M) for 324 Kingsleigh Court in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the proposed development shall be generally located and constructed in accordance with the site plan, prepared by MEM Engineering Inc. date stamped by Town Zoning on October 26, 2023;
2. That a building permit application 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

5.12 A23-111/M - 813 Aspen Terrace

George Sedra, agent for the applicant, address: 189 Queen Street East Cambridge 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 (A23-111/M) for 813 Aspen 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 G.SL Engineering, date stamped by Town Zoning on November 1, 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

5.13 A23-114/M - 271 Sydney Street

Stephanie Matveeva, agent for the applicant, address: 700-100 Kingsbridge Garden Circle provided an overview of the application.

Questions to Agent Stephanie Matveeva

Member Ellahi asked if agent Matveeva could confirm if there is also a powder room in the garage, belong to the dwelling unit that is going to occupy the garage. Agent Matveeva stated the proposed garage would provide additional parking spaces for the dwelling unit as well as occupants of the existing dwelling. The existing dwelling has an integrated garage. The proposed garage structure would have the two integrated garage spaces, to largely recognize existing conditions because those two parking spaces already exist. Thus, it would serve the additional residential unit. Member Ellahi then asked for clarification if one of the parking garages is going to serve the additional residential unit and the second garage is for the principal residential unit. Agent Matveeva claimed this is correct.

BE IT RESOLVED THAT

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-114/M) for 271 Sydney Street in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the detached garage and additional dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Care Engineering and Design Services Inc., date stamped by Town Zoning on November 9, 2023.
2. That prior to removing the existing detached garage, a Demolition Permit be obtained.

3. That prior to Building Permit issuance, a Stormwater Management Brief be submitted, to the satisfaction of Town Development Engineering.
4. That prior to Building Permit issuance, the property owners obtain a "Certificate of Cancellation" under Section 53 (45) for B22-003/M.
5. That a Building Permit be issued within two (2) years from the date of this decision.
6. 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. NEXT MEETING

Thursday, January 25, 2024, commencing at 6:00 p.m.

7. ADJOURNMENT

There being no further business to discuss the Chair adjourned the meeting at 7:14 p.m.

Serena Graci, Secretary Treasurer