



# The Corporation of the Town of Milton

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Report To: Committee of Adjustment and Consent

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From: Development Services

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Date: September 26, 2024

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File No: A24-044M

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Subject: 7315 Tremaine Road

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

1. That a Stormwater Management Brief and Grading Plan be provided, to the satisfaction of Development Engineering, prior to Building Permit issuance.
2. That a Tree Protection Fence be installed on any property lines abutting the adjacent woodlot, for the length of the proposed works.
3. That a Building Permit be obtained within two (2) years from the date of this decision; and,
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.

## 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 allow a balcony in the interior side yard, whereas the Zoning By-law does not permit balconies in the interior side yard.
- To permit an additional dwelling unit with a gross floor area of 133.6 square metres, whereas the Zoning By-law permits a maximum of 85 square metre for the floor area of additional dwell units, or portions thereof, located on the first storey or above.

The subject property is known municipally as 7315 Tremaine Road and is generally located southeast of the intersection of Main Street West and Tremaine Road. Surrounding uses are primarily residential primarily comprised of single detached dwellings. There is also a commercial plaza located at the intersection of Main Street and Tremaine Road.

The subject lands currently contain a single-storey detached dwelling with a detached two car garage. The applicant is proposing to construct a two-storey dwelling while retaining and converting the existing dwelling to an accessory unit.



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

The subject property is designated Residential Area and SHP Growth Area under the Town of Milton Official Plan. The lands are further designated Greenlands A and Greenlands B under the Sherwood Survey Secondary Plan. These designations all permit existing, legally established uses. Additional Dwelling Units are an accessory use of the existing use.

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

## Zoning

The subject lands are zoned Future Development Zone (FD) under the Town of Milton Zoning By-law 016-2014, as amended. The Future Development zone permits only uses that legally existed on the date on the property, on the date the Zoning By-law came into effect are permitted. Zoning Staff have confirmed that the only variances required are to permit the balcony in the side yard and to allow for a larger gross floor area for the accessory unit.

### Variance 1 - Balcony

Section 4.5 i) of the Zoning By-Law permits balconies in rear yards, exterior side yard, and front yard for single detached dwellings. The applicant is seeking relief to the above-noted provision to permit a balcony in the interior side yard.

### Variance 2 - Maximum Gross Floor Area

Section 4.10 viii) a) of the Zoning By-law delineates that the maximum gross floor area of 85 square metres. The applicant is seeking relief to the above-noted provision in order to allow for an accessory dwelling unit with a gross floor area of 133.6 square metres.

## Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on September 10<sup>th</sup>, 2024. As of the writing of this report on September 18<sup>th</sup>, 2024, staff have not received any comments from members of the public.

### *Agency Consultation*

### Development Engineering

Please be further advised that Development Engineering has no objection to the approval of this application; however, the Owner must acknowledge and agree that at time of Building Permit, Development Engineering will require the following information:

1. The Owner agrees to provide a Detailed Grading Plan at the time Building Permit application for construction of the new residence complete with the following items;
  - a) Sump pump and downspout locations;
  - b) Existing elevations along the property lines (which are not to be altered);
  - c) Existing and proposed elevations for the interior property;
  - d) Proposed elevations at building corners;



## Consultation

- e) Swale locations, direction and slopes.
2. Stormwater Management Brief/Memo outlining what SWM measures will be installed to mitigate the impact of the added impervious surface, how they will function, and why they are appropriate for the site. The memo should be reviewed and stamped by a Professional Engineer. Please include any details of the SWM measure.

### Parks and Facilities Planning

Parks has no objection to the approval of this application, however protection of the adjacent woodlot must be prioritized during the proposed works through:

1. The installation of tree protection fences along along the east and south lot lines, as close to the drip line as possible. The fences should remain until all works associated with the proposed residential expansion are deemed complete. Any material identified for preservation that is removed or damaged as a result of construction activity should be compensated to the satisfaction of the Town.
2. Containing all associated debris, materials and/or waste the property. The storage, dumping or accumulation of any construction or unnatural debris within the abutting woodlot, Town-owned land, is strictly prohibited.

The landowner and applicant is advised that all works proposed on site and storage should be contained to the subject property. No activity should encroach onto adjacent Town-owned parkland and open space.

## Development Services Comments

The subject property currently contains a single-storey detached dwelling and a detached garage. The applicants intend to construct a new dwelling, while retaining the current dwelling and converting it to an accessory structure. The applicant has requested a minor variance to allow a gross floor area for an accessory unit beyond what is permitted in the Zoning By-law as well as to permit a balcony in the interior side yard. Planning Staff have confirmed that the lands are not regulated by Conservation Halton.

In order to retain the existing dwelling as an accessory unit, a variance is required to permit an accessory unit with a gross floor area of 133.6 square metres. It is the opinion of Planning Staff that the increase in size is minor in nature and will not impact the surrounding properties. The size of the accessory structure is appropriate for the lot and is well screened by existing trees on the property.

The proposed balcony, albeit located in the interior side yard, is not anticipated to impact adjacent land owners in way of privacy. The subject lands are surrounded by existing mature trees and a Regional woodlot. As such, Planning Staff have no concern with the proposed location of the balcony.

Based on the aforementioned, Planning Staff have reviewed the requested variances and offer no objection to the approval of this application. The variances are minor in nature, conforms to the



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## Consultation

general intent of both the Official Plan and Zoning By-law and are desirable for the development and use of the subject property.

Respectfully submitted,  
Madison Polidoro  
Planner, Development Review

For questions, please contact:    Madison.Polidoro@Milton.ca    Phone: Ext. 2311