



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Madison Polidoro

Date: December 12, 2024

File No: A-24-056

Subject: 828 Hemlock Drive

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

1. That the development shall be located and constructed in accordance with the site plan and building elevations, prepared by Refined Pools & Landscaping), date stamped by Town Zoning on October 28th, 2024;
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.

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:

- Requesting permission to allow an accessory structure to have a gross floor area of 18.82 square metres, whereas the Zoning By-law permits a maximum of 12 square metres.

The subject property is known municipally as 828 Hemlock Drive and is generally located south west of the intersection of Thompson Road South and Woodward Avenue. The subject property contains a single-detached dwelling with an attached garage. Surrounding land uses are primarily residential, comprised of single detached dwellings.

The applicant is proposing to build an accessory structure in the rear yard. The Zoning By-law requires that accessory buildings have a maximum gross floor area of 12 square metres in the RLD6 Zone. The applicant is seeking relief from the Zoning By-law to permit a maximum gross floor area of 18.82 square metres.

Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is designated as Residential Area on Schedule B - Urban Area Land Use Plan within the Town of Milton Official Plan. This designation establishes that the primary use of



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Official Plan Designation (including any applicable Secondary Plan designations)

land shall be a mix of low, medium and high density residential development. A variety of medium and high density residential uses are permitted.

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 Residential Low Density VII (RLD7) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD7 zone permits a variety of residential uses, including detached and semi-detached dwellings.

Section 4.2.1 Table 4a footnote (*2) Table 4A (I) of the Zoning By-law permits an accessory structure situated on a lot that is less than 660 square metres, to have a maximum gross floor area of 12 square metres. The intent of this provision is to ensure that the property does not become overdeveloped. The applicant is seeking relief to allow for an accessory structure with a gross floor area of 18.82 square metres.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on November 28th, 2024. As of the writing of this report on December 4th, 2024, 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.

Development Services Comments

The accessory structure is a cabana located in the rear yard of the lot. In order for a Building Permit to be issued to construct the proposed accessory structure, all relevant Zoning By-law provisions must be met, including the maximum size of 12 square metres. The applicant is requesting permission to increase the size of the accessory structure by 6.82 square metres.

The additional gross floor area being requested is minor in nature - the proposed 8.82 square metre increase does not result in overdevelopment of the lot and the accessory structure will remain clearly secondary to the principle dwelling. Despite the presence of the structure, there will still be ample amenity space in the rear yard.

Development Engineering was circulated on the application and has no concerns with the increase in size and has not raised any concerns regarding stormwater management or drainage.

Based on the aforementioned, Planning Staff has no objection to the proposal, subject to the conditions set-out above being fulfilled. Therefore, the variance being requested is minor in nature,



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Consultation

desirable for the development of the subject lands, maintains the intent of the Zoning By-law, and conforms to the Official Plan.

Respectfully submitted,

Madison Polidoro

Planner, Development Review

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

Attachments

Figure 1 - Site Plan (828 Hemlock Drive) dated October 28th, 2024.