



# The Corporation of the Town of Milton

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Report To: Committee of Adjustment and Consent

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From: Rachel Suffern, MPA, M.Sc. (PI), MCIP, RPP

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Date: January 30, 2025

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File No: A24-060M

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Subject: 493 Kearns Drive

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

1. That a 0.6 metre permeable surface be instated (and hardscaping removed) along the lot lines in the rear yard in accordance with the Site Plan dated January 7, 2025;
2. That enhanced landscaping be provided, to the satisfaction of Planning Staff, along the rear lot line; and,
3. That the decision be subject to an expiry of two (2) years if the conditions are not met and/or the development does not proceed.

## 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:

- Allow an accessory structure to have a gross floor area of 12.89 square metres, whereas the Zoning By-law permits a maximum gross floor area of 10 square metres (an increase of 2.89 square metres).

The subject property is known municipally as 493 Kearns Drive and is legally known as Lot 66 on 20M-789. The property is generally located north of Derry Road and west of James Snow Parkway South. Surrounding land uses are predominately residential with parkland and stormwater management facilities in the immediate proximity. The property currently contains an existing two-storey detached dwelling with a single car garage and driveway. An existing garden shed is located in the rear yard, along with hardscaping.

Through this application, the applicant is seeking to legalize the existing garden shed located in the rear yard.

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

The subject property is designated as Residential Area on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan. The lands are further designated as Residential Area on Schedule C-6-D - Bristol Survey Secondary Plan Land Use Plan.



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

Both designations permit residential uses, including accessory structures. Therefore, it is Staff's opinion that the proposal is in conformity with both the Town of Milton Official Plan and Bristol Survey Secondary Plan.

## Zoning

The subject lands are zoned site-specific Residential Medium Density I (RMDI\*35) within the Town of Milton Urban Zoning By-law 016-2014, as amended. The RMD1\*35 Zone permits a range of medium-density residential uses, along with accessory structures associated with the principal residential use.

The applicant is seeking relief to accommodate an existing 12.89 square metre accessory structure whereas Section 4.2.1 Table 4A of the Zoning By-law 016-2014, as amended, permits a maximum gross floor area of 10 square metres. The intent of this provision is to ensure that the accessory structure does not result in over-development of the lot and remains accessory to the principal structure.

With the exception of the above-noted provision, the garden shed maintains all other provisions within the Zoning By-law 016-2014, as amended.

## Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the Planning Act on January 15, 2025. As of the writing of this report on January 22, 2025, staff have not received any comments from members of the public.

Planning Staff received a concern from an adjacent property owner regarding visual impact of the structure. Staff acknowledge that should the applicant want to comply with the gross floor area provisions currently within the Zoning By-law, the visual impact of the structure is unlikely to change from what currently exists (given the structure already complies with height and setback provisions). However, in an effort to minimize visual impact, the applicant has agreed to include enhanced landscaping along the rear lot line - Planning Staff have included this as a condition of approval.

### *Agency Consultation*

No objections were filed with respect to the variance application from Town staff or external agencies.

In an effort to mitigate any negative stormwater management and run-off concerns associated with the additional gross floor area, along with the existing hardscaping, the applicant has agreed to remove a 0.6 metre strip of hardscaping adjacent to the lot limits in the rear yard and reinstate it with permeable material (i.e. river stone, grass or granular materials). A condition of approval has been recommended to ensure that the works are completed in accordance with the proposed site plan that is attached as Figure 1 to this report.



## Consultation

### Development Services Comments

The applicant has requested a minor variance to legalize an existing garden shed in the rear yard. Given recent changes to the Ontario Building Code (OBC), a Building Permit is not required for accessory structures with a gross floor area of less than 15 square metres. The landowner was unaware that in absence of the requirement of a Building Permit that there were zoning restrictions related to the size.

The garden shed is located in the rear yard and with the exception of the proposed gross floor area, maintains all other zoning provisions, including height and setbacks. It is Planning Staff's opinion that the additional 2.89 square metres being requested is minor and negligible beyond any impact that the structure would have if it otherwise was constructed as-of-right.

Therefore, based on the aforementioned, Planning Staff offer no objection to the approval of this application as the relief being requested is minor in nature, desirable for the development of the subject lands, is in keeping with the Zoning By-law and conforms to the Official Plan.

Respectfully submitted,

*Rachel Suffern*

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## Attachments

Figure 1 - Proposed Site Plan