



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-22/035/M (270 Sydney Street, Milton)

#### General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 016-2014, as amended, have been requested to permit:

- To allow a maximum lot coverage of 34.85%, whereas 30% is permitted (difference of +4.85%).
- To allow a minimum interior side yard setback of 1.2 metres, whereas 1.8 metres is required (difference of -0.6 metres).
- To allow a garage face that is greater than 3.5 metres wide to be setback a minimum of 3.3 metres from the building front wall, whereas a 5.5 setback is required (a difference of -2.2 metres).

The subject property is known municipally as 270 Sydney Street and is legally described as Lot 83, Concession 2. Surrounding land uses include residential and institutional (J.M. Denyes Public School).

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

The subject property is designated as Residential on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan. The Residential designation permits a range of residential uses, such as single-detached dwellings, semi-detached dwellings and associated accessory structures.

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 as Residential Low Density I (RLD1). In this zone, single detached dwellings, semi-detached dwellings and accessory structures are permitted.

On October 19, 2020, the Town of Milton approved an Official Plan Amendment and Zoning By-law Amendment for lands within the Character Area and select mature neighbourhoods within the town. As part of this approval, a two-year moratorium on Minor Variance applications was also approved. This means that a minor variance to the new Residential Low Density I (RLD1) zone is not permitted for a period of two years. The intent of this is to ensure proposals maintain the intent of the Mature Neighbourhood / Character Area amendments.

On April 11, 2022, the Town of Milton Council provided authorization for the proposed development to be reviewed through the submission of a minor variance application despite the two-year moratorium. The proposed development was reviewed and is

considered to be maintaining the intent of the Mature Neighbourhood / Character Area amendments.

#### Variance One - Lot Coverage

Section 6.2 Table 6B (I) of the Zoning By-law requires that lots with areas less than 660 square metres have a maximum lot coverage of 30%. The Applicant is proposing a maximum lot coverage of 34.85% (an increase of 4.85%).

#### Variance Two - Side Yard Setback

Section 6.2 Table 6B (\*2) i) a. of the Zoning By-law requires that an interior side yard have a minimum setback of 1.8 metres. The Applicant is proposing an interior side yard setback of 1.2 metres (reduction of 0.6 metres) to the south west lot line.

#### Variance Three - Garage Setback

Section 6.3.2 ii) b. requires that when a garage face is greater than 3.5 metres, the garage must be setback a minimum of 5.5 metres from the building wall front. The Applicant is requesting permission to allow a garage face that is greater than 3.5 metres wide to be setback a minimum of 3.3 metres from the building front wall (a reduction of 2.2 metres).

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, May 11, 2022. As of the writing of this report on, May 19, 2022, 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.

Town Development Engineering Staff advised that a detailed grading plan will be required but deem it appropriate to be submitted at the time of building permit application.

### **Planning and Development Department Comments:**

The lands subject to this application are approximately 542.75 square metres in size and currently contain an existing one-storey single detached dwelling (to be demolished) and gazebo. Surrounding land uses include residential (primarily single detached dwelling units) and institutional uses (J.M. Denyes Public School).

The application proposes a new two-storey single-detached dwelling with an attached garage. To accommodate the proposal, three variances have been requested.

#### Variance One - Lot Coverage

Section 6.2 Table 6B of the Zoning By-law permits a maximum lot coverage, for lots with areas less than 660 square metres, of 30%. The Applicant is proposing a maximum lot coverage of 34.85% (an increase of 4.85%).

The intent of this provision is to prevent over-development of a lot and further, to ensure that any development will not negatively impact existing grading and drainage patterns.

In this instance, Planning Staff are of the opinion that the requested variance is minor as the additional area to be developed (to accommodate additional lot coverage) is not considered a significant increase beyond the dwelling currently existing. The proposed dwelling is an appropriate use for the lands and does not disrupt existing neighbourhood built-form.

Development Engineering Staff have confirmed that additional information will be reviewed to ensure no negative grading impacts will occur as a result of this development. Planning Staff are satisfied in that regard.

#### Variance Two - Side Yard Setback

Section 6.2 Table 6B (\*2) i) a. of the Zoning By-law requires that an interior side yard have a minimum setback of 1.8 metres. The applicant is proposing an interior side yard setback of 1.2 metres (reduction of 0.6 metres) to the south west lot line.

The intent of this provision is to ensure that any development does not negatively impact neighbouring properties in way of views, privacy, and personal enjoyment. Further, it intends to maintain adequate access to the rear yard and appropriate drainage patterns and grading.

In this instance, Planning Staff are of the opinion that the reduction in interior side yard is minor and will not impact any of the aforementioned. The resultant interior side yard will be 1.2 metre which provides ample access to the rear and will not impact adjacent properties. The alternate side yard will maintain a 1.8 metre setback and provide additional access to the rear.

#### Variance Three - Garage Setback

Section 6.3.2 ii) b. of the Zoning By-law requires that when a garage face is greater than 3.5 metres, the garage must be setback a minimum of 5.5 metres from the building wall front. The Applicant is requesting permission to allow a garage face that is greater than 3.5 metres wide to be setback a minimum of 3.3 metres from the building front wall (a reduction of 2.2 metres).

The intent of this provision is to ensure that the garage is adequately setback from the building wall front so that it is not the dominant feature of the façade and respects existing built-form / setback patterns in the area. Further, it establishes a transitional feature that reduces the massing of a dwelling and visual impact on surrounding properties.

In this instance, Planning Staff are of the opinion that the reduction is minor and will not negatively impact adjacent properties. The proposed garage retains a clear transition from the front face of the dwelling and does not protrude beyond the existing front yard setbacks of adjacent dwellings. This allots neighbouring property owners' additional privacy and establishes clear sightlines of Sydney Street from their front yard.

While not contemplated through the application of the four tests of a minor variance, Planning and Urban Design Staff were consulted prior to submission in respect to the proposed dwelling and it's alignment with the intent of the Mature Neighbourhood Study findings. Urban Design Staff noted that despite the requested variances, the proposal introduces a respectful design that is sympathetic to surrounding neighbourhood built form and balances massing with appropriate setbacks and transitional features.

Overall, Planning Staff have reviewed the requested variances and offer no objection. The variances are minor in nature, are appropriate for the development of these lands, conform to the Official Plan and maintain the intent of the Zoning By-law.

**Recommendation:**

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

1. That the dwelling shall be located and constructed in accordance with the site plan and building elevations, prepared by Lucid Homes Inc., date stamped by Town Zoning on April 28, 2022.
2. That prior to building permit issuance, the Applicant provide a detailed grading plan, in accordance with the Town's Standard No. E-18 Urban Infill Lot Grading Plan, for review by Town Development Engineering Staff.
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.

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