



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-22/039/M (399 Bell Street, Milton)

#### 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 a maximum lot coverage of 30%, whereas 25% is currently permitted.

The subject property is known municipally as 399 Bell Street and is legally described as Lot 253, Concession 2. Surrounding land uses include residential and parkland.

#### 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 special Residential Low Density 3 (RLD3\*300). In this zone, single detached dwellings, semi-detached dwellings and accessory structures are permitted.

Section 6.2 Table 6B-1(I) permits a maximum lot coverage of 25% for lots with an area between 660 - 830 square metres. In order to facilitate construction of the proposed new single-detached dwelling, the applicant is requesting permission to increase the maximum lot coverage to 30% (an increase of 5%).

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 in-effect special Residential Low Density 3 (RLD3\*300) zone is not permitted for a period of two years. The intent of this is to ensure development 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.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, May 1, 2022.

As of the writing of this report on, May 19, 2022, Staff received one phone call from a neighbouring property owner. The comments were in-respect to the proposed design and character of the home and how it relates to the proposed minor variance application and process.

Planning Staff review minor variance applications based on the four tests of the Minor Variance under Section 45 of the *Planning Act* and note the application is required to meet all four tests of a minor variance to be approved. If one test fails, the application fails and should be refused. The tests of a Minor Variance relate to meeting the intent and purpose of the Official Plan and Zoning By-law, being appropriate for the development of the lands and being minor in nature. The tests do not include a review of the proposed design and therefore, Planning Staff do not involve themselves in making comments or requiring adjustments to the proposed design of single detached dwellings. The Town's Zoning By-law regulates the built form of a structure, however style, materials, etc. are objective and are the preference of the individual homeowner.

### *Agency Consultation*

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

Town Development Engineering Staff requested that the Applicant provide a Stormwater Management Brief prior to building permit issuance. Development Engineering Staff will review the document and ensure that the proposal does not disrupt existing grading nor have a negative impact on adjacent lands in respect to potential grading impact.

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

The lands subject to this application are approximately 684.5 square meters in size and currently contain an existing one-storey single detached dwelling (to be demolished). Surrounding land uses include residential (primarily single detached dwelling units) and parkland. To the rear of the subject property is David Thompson Park and directly to the east of the subject property is a wooded area.

The application proposes a new two-storey single-detached dwelling with an attached garage, swimming pool to the rear and an accessory structure. The dwelling will include an elevator and other accessible features to accommodate the Owners' personal family needs.

The Applicant has requested a minor variance to increase the maximum lot coverage to 30%, whereas 25% is permitted. The requested relief is to accommodate the inclusion of various accessibility elements and a secondary furnace within the dwelling.

Existing mature tree coverage to the rear and east minimize any impact the two storey dwelling may have on adjacent properties. Further, to the rear of the property is parkland that Planning Staff feel will not be impacted by the proposed development.

With the exception of lot coverage, the proposed as-of-right dwelling is respective of setback provisions, maximum height provisions and all other zoning provisions. The dwelling will not exceed what Planning Staff feel is an appropriate level of development on the subject property. Further to, 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.

While not contemplated through the application of the four tests of a minor variance, Planning and Urban Design Staff were consulted prior to submission to ensure the proposal maintained the intent of the Mature Neighbourhood Study. Through this review, the Applicant revised the proposal to minimize the required variances (i.e. adjusting height to comply with the Zoning By-law) and modified the design to reduce the impact of the dwelling on the surrounding neighbourhood. Urban Design Staff noted that while the proposed dwelling introduces increased lot coverage, it is compensated with a design that strives to minimize the overall perception of the dwelling in terms of façade and be sensitive in its contribution to maintaining the neighbourhood character.

Overall, Planning Staff have reviewed the requested variance, being an increase in lot coverage, and offer no objection. Planning Staff are of the opinion that the requested variance is minor in nature, conforms to the general intent of both the Official Plan and Zoning By-law and is desirable for the development and use of the subject property.

**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 Archisystem Inc., date stamped by Town Zoning on April 7, 2022.
2. That the Owner provide a Stormwater Management Brief describing the proposed stormwater management system for the site, to the satisfaction of Town Development Engineering Staff, prior to building permit issuance.
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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