



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-22/073/M - 33 Victoria Street

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:

- Allow a detached garage to have a height of 4.9 metres, whereas 4.3 metres is currently permitted (an increase of 0.6 metres).
- Allow an interior side yard setback on a non-driveway side of a lot to be 1.2 metres, whereas 1.8 metres is currently required (a reduction of 0.6 metres).

The subject property is known municipally as 33 Victoria Street and is legally described as Lot 3 on Registered Plan 18. The property is generally located east of Bronte Street North and north of Main Street East. Surrounding land uses include residential, with vacant commercial lands to the rear and Rotary Park to the east.

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

The subject property is designated as Central Business District in the Town of Milton Official Plan on Schedule B 'Urban Area Land Use Plan'. Section 3.5 sets out that this area will serve as a focal area that accommodates commercial, cultural and residential uses. Low density residential development is permitted in conformity with the Residential policies within Section 3.2 of the Town of Milton Official Plan.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended. It conforms to the Central Business District designation, as well as applicable Residential policies, in that it proposes low-density residential development that maintains the character of the area through an addition and garage that is compatible with the surrounding area.

Zoning:

The subject lands are zoned as Residential Low Density I (RLD1) in the Town of Milton Urban Zoning By-law 016-2014, as amended. 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 the 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, unless given authorization to do so from Town Council. The purpose of this is to ensure proposals maintain the intent of the Mature Neighbourhood Study / Character Area amendments.

On May 9, 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: Increase in Detached Garage Height

Section 4.2.2.2 i) d) of the Zoning By-law 016-2014, as amended, permits a maximum garage door height of 4.3 metres. The intent of this provision is to ensure that the garage remains accessory to the primary residential dwelling and does not disrupt adjacent lands in way of privacy and sightline.

In order to accommodate the proposed detached garage, the applicant is requesting a maximum height of 4.9 metres (an increase of 0.6 metres).

Variance Two: Reduction in Side Yard Setback

Section 6.2 Table 6B (*2) ii) a. 1) of the Zoning By-law 016-2014, as amended, requires a minimum interior side yard setback, on the non-driveway side of a lot, of 1.8 metres. 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 order to accommodate the proposed addition, the applicant is requesting an interior side yard setback of 1.2 metres (a reduction of 0.6 metres).

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 8, 2022. As of the writing of this report on, September 22, 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.

The dwelling is a 'listed' resource on the Town of Milton's Heritage Register - Heritage Planning Staff continue to work with the applicant through the concurrent Site Plan Approval process to ensure the addition is respectful of and subservient to the original dwelling and existing heritage features.

The applicant has noted their intention to formally designate the property following the completion of the works. Heritage Planning Staff look forward to working through that subsequent process with the property owners.

Planning and Development Department Comments:

The applicant has requested a minor variance to facilitate the construction of a residential addition to the rear of the existing dwelling at 33 Victoria Street and a detached garage. The existing portion of the rear dwelling will be removed to accommodate the new addition. Heritage Planning Staff have confirmed that the existing rear addition is not

original and is not considered a heritage feature - therefore, there are no concerns with the demolition of this portion of the structure.

In respect to the detached garage, Planning Staff are of the opinion that the increase in height is minimal. Situated on the adjacent lands is a detached garage and mature tree coverage - this minimizes any impact that the increased height will have on adjacent residential land owners, beyond that of which the as-of-right garage would have if it maintained all zoning provisions. Further, the lands to the rear are currently vacant and zoned commercial, therefore minimizing any future impact this garage may have in respect to disrupting or impacting residential uses. Finally, the detached garage is adequately setback from the public right-of-way so that it minimizes impact on the front façade, while also introducing a feature to the property that represents a positive contribution to the neighbourhood.

Planning Staff are of the opinion that the reduction in side yard setback is negligible. The existing heritage dwelling maintains a larger side yard setback, therefore reducing the impact of the 1.2 metre side yard setback requested for the addition. Further, it remains respectfully setback of neighbouring lands and will not disrupt adjacent property owners in way of sightline or personal enjoyment. Adequate access to the rear is maintained and Development Engineering has expressed no concerns in respect to grading and drainage. The proposed addition maintains all other zoning provisions.

Overall, Planning Staff offer no objection to either variances being requested and are therefore recommending approval. The variances are minor in nature, are desirable to the development of the subject 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 residential addition and detached garage shall be located and constructed generally in accordance with the site plan and building elevations, prepared by Jansen Consulting, date stamped by Town Zoning on August 16, 2022.
2. That a building permit be obtained for both the detached garage and residential addition within two (2) years from the date of this decision.
3. That prior to building permit issuance, site plan approval be granted.
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.

Rachel Suffern

Rachel Suffern, MPA, MSc
Planner, Development Review

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