



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-22/077/M - 329 McNabb Crescent

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:

1. Permit an accessory structure with a total gross floor area of 18.26 square metres, whereas a maximum gross floor area of 12 square metres is permitted on a lot less than 660 square metres (an increase of 6.26 square metres).
2. Permit an accessory structure with a building height of 3.37 metres, whereas a maximum building height of 3.0 metres is permitted (an increase of 0.37 metres)

The subject property is known municipally as 329 McNabb Crescent and is legally described as Lot 62 on Registered Plan M99. It is located east of McNabb Crescent in a low density residential neighbourhood. The property currently contains a single detached dwelling with a covered carport. The applicants are proposing to construct a covered gazebo and pergola in the rear yard and have requested three variances to permit the structure.

Staff note that in the original public notice, it was identified that a 3rd variance would be required to permit a minimum rear yard setback of 0.41 metres, whereas a minimum rear yard setback of 0.6 metres is required. Upon further review, it was found that the pergola and gazebo meet and exceed the minimum required rear yard setback of 0.6 metres and the additional variance is not required.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan on Schedule B 'Urban Area Land Use Plan'. This designation permits single detached dwellings and accessory structures.

The property is also subject to the Mature Neighbourhood Area policies of the Official Plan. Mature Neighbourhood Areas are intended to remain relative stable however, infill and development that is compatible with and respectful of the existing neighbourhood character is permitted. Urban design staff have reviewed the application and have noted that, "the proposed structure's location and design will not impact the character of the neighbourhood and the streetscape".

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 6 (RLD6) 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 February 7, 2022, the Town of Milton enacted a Zoning By-law Amendment for the lands within Dorset Park, which introduced the new Residential Low Density 6 (RLD6) zone and implemented new zoning standards for the neighbourhood. These zoning provisions however, only relate to the permitted uses, lot standards and the primary building, and not to accessory structures. The subject application does not require any variances to the RLD6 zone provisions.

In order to permit the proposed gazebo and pergola, two variances are required from the accessory structure provisions found in Section 4.2.1 of the Zoning By-law.

Variance One: Increase Gross Floor Area

Section 4.2.1, Table 4A of the Zoning By-law as amended permits a maximum gross floor area of 12 square metres for accessory structures located on a lot less than 660 square metres. In order to accommodate the proposed accessory structure, the applicant is requesting a total gross floor area of 18.26 square metres (an increase of 6.26 square metres). It should be noted that as the pergola is uncovered, it is not subject to the maximum gross floor area provision.

Variance Two: Increase to Building Height

Section 4.2.1, Table 4A of the Zoning By-law as amended permits a maximum building height of 3.0 metres. In order to accommodate the proposed accessory structure, the applicant is requesting a building height of 3.37 metres (an increase of 0.37 square metres).

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, October 14, 2022. As of the writing of this report on, October 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.

Planning and Development Department Comments:

The applicant has requested a minor variance to facilitate the construction of a covered gazebo and pergola in the rear yard. Variances are required to increase the gross floor area, decrease the rear yard setback, and increase the building height.

The intent of maximum gross floor area provision is to ensure that the accessory structure remains secondary to the primary use and does not adversely impact adjacent lands. The increased size of the accessory structure is minor, as it will be situated within a larger backyard and it will continue to be secondary to the primary single detached dwelling.

Furthermore, it should also be noted that provision 4.2.1, Table 4A(*1) states that the total gross floor area shall include the aggregate floor area for all accessory buildings and structures on a lot excluding a detached garages and decks. Should the Committee approve the proposed variance, additional accessory structures would not be permitted unless a subsequent minor variance application was approved.

The proposed increase to the maximum building height by 37 centimeters is also minor as the structure will still appear to be clearly secondary to the primary building. The increased height will also not cause privacy issues for adjacent properties, as the two gazebo walls closest to the lot lines will be enclosed.

Lastly, although the subject property is located within a Mature Neighbourhood Area, the accessory structure is not subject to site plan control. Through the minor variance application Town staff have reviewed the proposal and have no objections to the design, size, or location of the structure. It is also noted that despite the increased size, the structure will remain clearly ancillary to the primary permitted residential use. Planning staff have reviewed the requested variance and offer no objection to its approval as the proposal makes efficient use of the land, will not result in overbuilding of the property, and is in keeping with the character of the neighbourhood.

Based on the foregoing, staff is 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 land.

Recommendation:

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

1. That the accessory structure shall be located and constructed generally in accordance with the site plan prepared by Lucid Homes, date stamped by Town Zoning on September 28, 2022.
2. That a building permit be obtained for the accessory structure within two (2) years from the date of this decision.
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.

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