



Memorandum to Committee of Adjustment Members

Minor Variance Application: A22-038M - 382 Kingsleigh Court

General Description of Application:

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

- Allow a maximum lot coverage of 35.1%, where as the Zoning By-law currently permits 30% (an increase of 5.1%).
- Allow a minimum interior side yard of 1.28 metres on one side and 1.55 metres on the other side, where as the Zoning By-law requires a minimum interior side yard of 1.8 metres (a reduction of 0.52 metres and 0.25 metres).

The subject property is known municipally as 382 Kingsleigh Court and is legally described as Lot 90 on Plan 558. Surrounding land uses are primarily low-density residential, parkland and an elementary school.

The applicant initially applied for a minor variance in June 2022 and deferred the application to address Conservation Halton comments. Since such time, the applicant has worked with conservation staff to provide a revised proposal which is now before the Committee of Adjustment for consideration.

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 a single detached dwelling, semi-detached dwelling and associated 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 special Residential Low Density II (RLD2*299). In this zone, single detached dwellings, semi-detached dwellings and accessory structures are permitted. While not impacting the relief being requested, the special provisions associated with this zone speak to front yard setbacks.

Variance One - Lot Coverage

Section 6.2 Table 6B-1 (I) of the Zoning By-law permits a maximum lot of coverage of 30% for a lot having an area of less than 660 square metres. To accommodate the proposed size of the bungalow, the applicant is requesting a maximum lot coverage of 35.1%.

Variance Two - Interior Side Yard Setback

Section 6.2 Table 6B-1 Footnotes (f) ii) of the Zoning By-law requires that a single storey dwelling with an attached garage that has a lot frontage that is equal to or greater than 15 metres but less than 25 metres, have a minimum interior side yard setback of 1.8 metres. To accommodate the proposed siting and building envelope of the dwelling, the applicant has requested to reduce the minimum interior side yard setback to 1.28 metres on one side and 1.55 metres on the alternate side yard.

Forgoing the deficiencies noted above, the proposal maintains all other zoning provisions.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, May 10, 2023. As of the writing of this report on, May 17, 2023, 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 lands are regulated as a result of flood hazard due to proximity to Sixteen Mile Creek. As such, Conservation Halton has reviewed the application and issued Permit No. 8474.

To ensure the additional lot coverage doesn't negatively impact grading, Town engineering staff requested that the Owner provide a Stormwater Management Brief and a detailed Grading Plan. If the Minor Variance application is approved, planning staff recommend that both documents be a condition of approval and be provided to engineering staff for approval prior to building permit issuance.

Planning and Development Department Comments:

The lands subject to this application are approximately 580 square metres in size and currently contain an existing one-storey single detached dwelling (to be demolished) and two sheds (to be removed). Surrounding land uses include residential (primarily single detached dwellings). The application proposes a new one-storey detached dwelling with an attached garage and deck to the rear.

Variance One - Lot Coverage

The additional lot coverage being requested accommodates accessible features, along with an increased footprint that provides additional living area, while satisfying Conservation Halton policy as it relates to gross floor area for a dwelling within a regulated area.

The intent of the maximum lot coverage 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 and is not considered to be over-development of the property. The proposed dwelling is an appropriate use for the lands and does not disrupt existing neighbourhood built-form. The

applicant has demonstrated that the minimum front yard depth and streetscape can be maintained and an adequate rear yard is provided for.

Existing mature tree coverage contributes to reducing any visual impact that the additional lot coverage may have on adjacent properties in the rear and existing fencing provides additional screening.

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

Variance Two - Interior Side Yard Setback

The owner has elected to design the dwelling as a bungalow to enhance accessibility of the liveable area, along with satisfying Conservation Halton policies. As such, the applicant requires a reduction in interior side yard setbacks to accommodate the additional gross floor area associated with the bungalow.

The intent of minimum interior side yard setback provisions are 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 setbacks are minor and will not impact any of the aforementioned. The resultant interior side yards provide ample access to the rear and will not impact adjacent properties.

The proposal maintains the maximum height provision set-out in the Zoning By-law and uses urban design features that appropriately position the dwelling to reduce any impact on the neighbouring bungalow and two-storey dwelling, despite a minor reduction in interior side yard setbacks.

Based on the aforementioned, 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 single detached dwelling shall be generally located and constructed in accordance with the site plan and building elevations, prepared by Jeff Jansen Consulting, date stamped by Town Zoning on April 12, 2023.
2. That a building permit be obtained 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.
4. That prior to building permit issuance, the Owner provide a Stormwater Management Brief to the satisfaction of Development Engineering Staff.

5. That prior to building permit issuance, the Owner provide a Detailed Grading Plan, in accordance with Town's Standard No. E-18 Urban Infill Lot Grading Plan, to the satisfaction of Development Engineering Staff.

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May 17, 2023