



## Memorandum to Committee of Adjustment Members

---

### Minor Variance Application: A23-031M - 2040 15 Side Road

#### General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 144/-2003, as amended, has been requested to:

- Allow a maximum lot coverage of 17.2%, whereas the Zoning By-law currently permits 10% (an increase of 7.2%).
- Allow an 8.6 metre rear yard setback, where as the Zoning By-law currently requires a minimum of 10.5 metres (a reduction of 1.9 metres).

The subject property is known municipally as 2040 15 Side Road and is legally described as Concession 2, Part of Lot 15 on Plan M464 and Part of Lot 8 on Part 1 of Reference Plan 20R-10137. Surrounding land uses include rural residential and rural natural heritage systems.

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

The subject property is designated as Hamlet within the Town of Milton Official Plan. The lands are further designated as Hamlet Residential on Schedule C.5.A - Moffat Hamlet Land Use. This designation supports low-density residential uses, included single detached dwellings.

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 Village Residential (RV) within the Rural Town of Milton Zoning By-law 144-2003, as amended. Within this zone, uses such as a detached dwelling and home occupation are permitted.

The application maintains all zoning provisions, with the exception of the following for which relief is being requested:

#### Variance #1 - Increase in Lot Coverage

Section 6.2 Table 6H of the Zoning By-law states that the maximum permitted lot coverage is 10%. To accommodate the existing addition, the applicant is requesting a maximum of 17.2%.

#### Variance #2 - Reduction in Rear Yard Setback

Section 6.2 Table 6H of the Zoning By-law states that the minimum required rear yard setback is 10.5 metres. To accommodate the siting of the addition, the applicant is requesting a minimum rear yard setback of 8.6 metres.

## 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 subject to Conservation Halton review due to a Provincially Significant Wetland. The applicant obtained a Development Permit from Conservation Halton for the works and as such, conservation staff have no objection to the approval of this application given that the works were completed in accordance with their approval.

The property is a Listed Heritage Resource on the Town of Milton's Heritage Registrar. Policy Planning staff have been consulted and offer no objection to the works completed, nor the approval of this application.

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

The applicant has requested a minor variance to accommodate a rear addition to an existing dwelling at 2040 15 Side Road. The lands also contain a pool and accessory structure.

The addition was constructed in 2018 and the applicant is seeking to legalize the structure through this application - should the minor variance be granted, a Building Permit would subsequently be issued.

Given the lot size is smaller than surrounding properties, planning staff recognize the allotted lot coverage is therefore minimal and required setbacks limiting. The proposal does not impede adjacent lands in way of privacy and personal enjoyment, nor does it negatively impact existing grading plans. The surrounding natural heritage features and wetland are not impacted by the proposal.

Based on the aforementioned, planning staff are of the opinion that the relief being requested is minor in nature, desirable for the development of the subject lands, conforms to the Official Plan and maintains the intent of the Zoning By-law. As such, planning staff offer no objection to the approval of this application.

### **Recommendation:**

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

1. That a building permit application be obtained within two (2) years from the date of this decision.
2. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met and/or a building permit is not secured.

**Rachel Suffern**

Rachel Suffern, MPA, M.Sc. (PI)  
Planner, Development Review

May 17, 2023