



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-23/034/M 90 Mary 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 permit:

1. A maximum lot coverage of 33.3%, whereas a maximum lot coverage of 25% is permitted for a lot with an area between 660 and 830 square metres;
2. A residential driveway to include a granular (i.e. gravel) material, whereas the definition of a residential driveway only includes a hard surface; and
3. A minimum width of a permeable residential landscape surface abutting an interior side lot line of 0.35 metres, whereas a minimum width of 0.6 metres is required.

The subject property is known municipally as 90 Mary Street and is legally described as Survey Foster Block 5 Park Lot 7. The property currently contains a single detached dwelling. The existing dwelling is a listed heritage building.

The applicant is proposing to construct a covered veranda addition and a detached garage on the lands. The proposed also includes the extension of the existing gravel driveway to the new detached garage in the rear yard.

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

The subject property is designated Central Business District (Schedule B-Urban Land Use Area Plan) and Low Density Residential Sub-Area (Schedule C-Central Business District Land Use Plan) in the Town of Milton Official Plan. A range of residential uses, including single detached dwellings and associated residential accessory structures are permitted.

The property is also located within a Character Area and Mature Neighbourhood Area as described on Schedule D of the Official Plan. The Official Plan policies intend for Mature Neighbourhood Areas around the Central Business District to remain relatively stable. The policies specify that in these areas, infill and development must be compatible with and respectful of the existing neighbourhood character.

The policies further state that minor variance applications for development within Mature Neighbourhood Areas shall be evaluated based on the following additional criteria:

- a) that the scale, massing, building height, built form features and coverage are compatible with and respectful of the existing character of the Mature Neighbourhood Area; and
- b) that the impacts on adjacent properties are minimized.

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 Residential Low Density 1 (RLD1) under Comprehensive Zoning By-law 016-2014, as amended. In this zone, single-detached dwellings and accessory structures including detached garages are permitted.

#### Variance 1 -Lot Coverage

Section 6.2, Table 6B(I) states that a maximum lot coverage of 25% is permitted for a lot with a lot area between 660sq.m. and 830sq.m. The applicant is proposing an increase to the lot coverage to 33.3% (an increase of 8.3%). The lot coverage increase includes the area of the veranda addition and the detached garage.

#### Variance 2 -Driveway Definition

Section 2 includes a definition of a Residential Driveway which means a hard surface on a lot having a residential use containing less than four dwelling units upon which vehicles drive and park, and includes an adjacent hard surface, capable of being parked or driven upon by part or the whole of a motor vehicle. The applicant has proposed a variance to permit the driveway to include granular (i.e. gravel) material.

#### Variance 3 -Permeable Residential Landscape Surface

Section 5.6.2 vii) a) states that the minimum width of a permeable residential landscape surface abutting an interior side lot line shall be 0.6 metres. The applicant is proposing to reduce the width to 0.35 metres (a reduction of 0.25 metres).

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, June 15, 2023. As of the writing of this report on, June 20, 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.

### **Development Review Comments:**

The applicant has requested three minor variances to permit the construction of a covered veranda addition, a detached garage, and an extension to the existing gravel driveway.

#### Variance 1 -Lot Coverage

The applicant has requested an increase in the maximum permitted lot coverage to 33% whereas a lot coverage of 25% is permitted. The increase is requested to facilitate the addition of a covered veranda and a detached garage on the lands.

Planning staff have reviewed the requested variance and do not object to its approval. The proposed increase in lot coverage is minor and will not increase the massing of the home. The detached garage is also in keeping with the character of the neighbourhood.

Furthermore a stormwater management brief and grading plan was submitted with the application and development engineering staff have confirmed that they have no concerns with the proposed increase in lot coverage.

#### Variance 2 -Driveway Definition

The applicant has proposed to extend the existing gravel driveway to the new detached garage in the rear yard. To permit the driveway extension to be gravel, a minor variance to the residential driveway definition has been requested.

Staff have reviewed the proposed minor variance and have no concerns. Gravel driveways are common in mature neighbourhoods in Milton. The extension of the gravel driveway will not change the character of the property nor the function of the existing driveway.

#### Variance 3 -Permeable Residential Landscape Surface

The applicant has requested a minor variance to permit the residential driveway to be setback 0.35 metres from the interior side yard, whereas the Zoning By-law requires a minimum 0.6 metre permeable residential landscaped surface (such as grass, trees, shrubs, flowers or river rock) abutting the side lot line. The minor variance is requested to permit the extension of the existing gravel driveway to the new detached garage in the rear yard.

The intent of the permeable landscaped surface regulation in the Zoning By-law is to provide adequate drainage along the interior side lot line. Development engineering staff have reviewed the stormwater management brief and grading plan that was submitted with the application and have no concerns. For these reasons Planning staff do not object to the proposed variance.

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 veranda and detached garage shall be generally located and constructed in accordance with the site plan, prepared by Cunningham McConnell Limited, date stamped by Town Zoning on May 16, 2023.
2. That a building permit application 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.

**Natalie Stopar**

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June 20, 2023