



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-042M - 377 Martin 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, has been requested to:

- Allow a maximum lot coverage of 23.32%, whereas the Zoning By-law currently permits a maximum of 20% (an increase of 3.32%).
- Allow a minimum required side yard setback of 0.70 metres, whereas the Zoning By-law currently permits a minimum setback of 1.80 metres (a reduction of 1.10 metres).
- Allow a garage face to project 3.4 metres from the building front wall, whereas the Zoning By-law currently requires a 5.5 metres setback from the building front wall (a difference of 8.9 metres).
- Allow a maximum gross floor area of 23.23 square metres for an accessory structure, whereas the Zoning By-law permits a maximum of 16 square metres (an increase of 7.23 metres).

The subject property is known municipally as 377 Martin Street and is legally described as Parts of Lot 12 and 13 on Plan 364. The lands are located on the east side of Martin Street and south of Steeles Avenue. Land uses directly adjacent are residential, however nearby land uses include industrial and commercial.

The applicant intends to construct a residential addition to the existing single storey dwelling with an attached deck, along with a cabana in the rear.

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

The subject property is designated as Residential on Schedule B - Urban Land Use Plan in the Town of Milton Official Plan. This designation permits a range of residential uses, along with uses accessory to the primary use.

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 I (RLD1*281). Permitted uses through this zone include single detached dwellings and semi-detached dwellings, along with accessory structures.

With exception of the below-noted relief being requested, this proposal maintains all other provisions of the Town of Milton Urban Zoning By-law 016-2014, as amended:

Variance One: Increased Lot Coverage

Section 6.2 Table 6B (I) of the Zoning By-law permits a lot with an area greater than 830 square metres will have a maximum lot coverage of 20%. The intent of this provision is to ensure a lot is not overdeveloped and does not result in grading or drainage issues on the subject lands.

To accommodate the proposed addition, the applicant is requesting a maximum lot coverage of 23.32% (an increase of 3.32%).

Variance Two: Reduction in Minimum Side Yard Setback

Section 6.2 Table 6B of the Zoning By-law requires a minimum interior side yard setback of 1.8 metres. The intent of this provision is to ensure unobstructed access to the rear yard can be maintained for life safety and property maintenance items, along with ensuring there is no disruption on adjacent land owners in way of privacy or drainage run-off.

To accommodate the proposed addition, the applicant is requesting a minimum interior side yard of 0.70 metres (a reduction of 1.1 metres).

Variance Three: Garage Face Setback

Section 6.3.2 ii) b) of the Zoning By-law requires that where a width of a garage face is greater than 3.6 metres, the garage must be setback 5.5 metres from the building wall face. The intent of this provision is to maintain existing neighbourhood built form and patterns, specifically detached garages that are located setback from the dwelling or attached garages with similar setbacks.

To accommodate the proposed addition, the application is requesting a projection from the building wall face of 3.4 metres (a difference of 8.9 metres).

Variance Four: Increase GFA for Accessory Structure

Section 4.2.1 Table 4A(I) of the Zoning By-law permits a maximum gross floor area of 16 square metres for accessory structures located on lots with an area greater than 830 square metres. The intent of this provision is to ensure that the structure remains secondary to the primary principle structure and use, along with mitigating over development of the lands.

To accommodate the proposed cabana, the applicant is requesting 23.23 square metres in gross floor area (an increase of 7.23 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 21, 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.

Planning and Development Department Comments:

The applicant has requested minor variances to accommodate a proposed addition along the northern interior side yard, along with a cabana in the rear. The additional interior living area provides greater space for the owner's personal use, along with the cabana to provide amenity space.

Variance One: Increased Lot Coverage

The applicant has requested an increase in lot coverage to accommodate the proposed footprint of the addition. A preliminary grading plan was provided and Town engineering staff are satisfied in regard as the applicant will provide further information through the building permit application, as per conditions set-out in part with the recommended approval. Further to, the proposed addition maintains respectful setback from adjacent land owners and does not result in over-development of the subject lands. Planning staff have no concerns about the proposed increase in lot coverage.

Variance Two: Reduction in Minimum Side Yard Setback

The applicant has requested a reduction in interior side yard setback along the northerly lot line. The subject side yard would maintain a 1.3 metre unobstructed access to the rear yard and the alternate side yard 1.5 metres. Planning staff are satisfied that this provides ample access to the rear yard and neither setback will result in intrusion on neighbouring lots.

Variance Three: Garage Face Setback

The existing garage currently protrudes from the front face of the dwelling. In order to accommodate the proposed layout of the addition, the applicant intends to shift the garage forward. Given the condition is existing and the siting will only be moved a short distance forward, planning staff are of the opinion that the increase is negligible and will not impact any sightlines or neighbourhood built-form beyond what is currently existing.

Variance Four: Increase GFA for Accessory Structure

To accommodate the proposed cabana, the applicant is requesting an increase in gross floor area. Given the size of the lot and setbacks provided, planning staff are of the opinion that no negative impact will occur as a result of the increased area - the structure maintains all other zoning provisions, including height.

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, maintains the intent of the Zoning By-law and conforms to the Official Plan. As a result, 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 the residential addition shall be generally located and constructed in accordance with the site plan and building elevations, prepared by Valencia Enterprises Inc., date stamped by Town Zoning on May 25, 2023.

2. That a building permit application be obtained within two (2) years from the date of this decision.
3. That the applicant provide, to the satisfaction of Town Development Engineering, a Stormwater Management Brief, prepared and stamped by a professional engineer, prior to building permit issuance.
4. That the applicant provide, to the satisfaction of Town Development Engineering, a detailed Grading Plan, in accordance with the Town of Milton Std. No. E-18, prior to building permit issuance.
5. 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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June 21, 2023