



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/044/M 103 Barton Street

General Description of Application:

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

- A minimum front yard setback of 4.0 metres, whereas a minimum front yard setback of 6.0 metres is required.

The subject property is known municipally as 103 Barton Street and is legally described as Lot 13 on Registered Plan 392. The lot is located at the north west corner of Barton Street and Bell Street and currently contains a 1 storey single detached dwelling with a detached garage in the rear yard.

The applicant is proposing to demolish the existing 1 storey single detached dwelling and detached garage, and construct a new 2 storey single detached dwelling with an attached garage. The applicant applied for site plan approval for the new dwelling in September 2021 and site plan approval was issued in July 26, 2022. Although the design of the dwelling has not substantially changed since site plan approval, the applicant has submitted the subject minor variance to permit the new dwelling to be located closer to the Barton Street street line.

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 located within a Character Area as described on Schedule D of the Official Plan and a Mature Neighbourhood Area on Schedule F of the Town of Milton Zoning By-law 016-2014. On October 19th, 2020 Milton Council passed Official Plan Amendment No. 60 and an accompanying Zoning By-law Amendment for the Downtown Character Area in accordance with the Mature Neighbourhoods Character Study. The Official Plan Amendment updated the Town's policies to better manage development in Mature Neighbourhood and Character Areas, and the Zoning By-law Amendment introduced new standards that apply to low-density residential development in the Downtown Character Area.

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. Staff have noted the following policies in the evaluation of the proposed minor variances:

- “The preservation of the existing pattern of setbacks in the Established Urban Area shall be supported so that new buildings, additions and alterations to existing buildings do not substantially alter the existing character of the neighbourhood or district.” (Section 2.8.3.10)
- “Proposed development in the form of new housing, replacement housing, and additions and alterations within Mature Neighbourhood Areas may be permitted provided they are compatible and respectful of the character of the neighbourhood by incorporating scale, massing, building height, and other characteristics that are prevalent in the Mature Neighbourhood Area.” (Section 3.2.1.8)
- “Proposed development should be generally consistent with the setbacks, orientation and building separation distances within the Mature Neighbourhood Area.” (Section 3.2.1.9)
- “Mature Neighbourhood Areas shall be identified in the Town’s Zoning By-law. The implementing Zoning By-law shall further detail appropriate standards for new development within Mature Neighbourhood Areas, including lot coverage, lot frontage, and building height and setbacks, among other standards.” (Section 3.2.1.10)
- “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.” (Section 5.8.3.2)

Urban design and policy staff have reviewed the application and have noted that, the proposed front yard setback reduction would not be consistent with the findings, and ultimate recommendations of the Mature Neighbourhood Area Study. The front yard setback reduction as proposed, would not be consistent with the findings, recommendations and ultimate approach for Barton Street.

It is Staff’s opinion that the proposal is not in conformity with the Town of Milton Official Plan.

Zoning:

The subject lands are zoned as Residential Low Density 1 with site specific provisions *279 (RLD1*279) 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.

Site specific provision *279 requires a minimum front yard setback of 6.0 metres, whereas the standard RLD1 zone requires a minimum front yard setback of 4.0 metres.

The applicant is requesting a minimum front yard setback of 4.0 metres (a reduction of 2.0 metres) to facilitate the proposed location of the single detached dwelling.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, July 11, 2023. As of the writing of this report on, July 19, 2023, staff have not received any comments from members of the public.

Agency Consultation

The following comments were provided by Town staff and external agencies:

Development Engineering

1. The curb cut entrance permit is required prior construction.
2. After installation of sanitary lateral the disturbed areas must be restore as per Town's construction standards manual.
3. As per Engineering standards manual the maximum driveway slope allowance is six percent.

Urban Design/ Policy

In recent years, the Town conducted a Mature Neighbourhoods Character Study, which assessed the built form and natural features that define the character of various mature areas in Central Milton and recommended enhanced Official Plan policies and Zoning By-law regulations that ensure that new development in the form of new builds or additions to existing buildings be respectful of the existing character.

These Mature Neighbourhood Area policies and Zoning By-law regulations were positively received by Council and residents and are now in full force and effect. These should inform development within these areas.

For Barton Street in particular the study concluded a new zone (RLD1*279) and introduced a greater front yard setback of 6 metres (from the former 4m setback that was found to be not consistent with existing development), that best represent the streetscape conditions. Since the new Zone was introduced, Urban Design staff has been able to review Planning Act applications for developments on Barton Street and confirm that the implementation of the minimum 6m front yard to new builds is the most appropriate approach to addressing the streetscape and respecting the neighbourhood character.

Urban design Staff reviewed the Site Plan application SP-25-21 and supported the proposed development under the aforementioned assumption. A front yard setback reduction, as now proposed, would not be consistent with the findings, recommendations and ultimate approach to this street.

Staff encourages the applicant to retain the front yard setback at 6 metres, as already approved, and to not pursue a reduction, which would not represent a proper transition to the adjacent dwellings and would not enhance the residential character of the area, demonstrated in other recent developments on Barton Street.

Development Review Comments:

The applicant has requested a minor variance to permit a minimum front yard setback of 4.0 metres, whereas a minimum front yard setback of 6.0 metres is required. The applicant is proposing to demolish the existing one storey single detached dwelling and construct a new two storey single detached dwelling on the lot. Although the new single detached dwelling was site plan approved in September 2021, the applicant has

requested the subject variance to relocate the dwelling closer to the Barton Street street line.

The minimum 6 metre front yard setback provision was incorporated into the Zoning By-law through the Mature Neighbourhoods Character Study. The Study sought to address Council and resident concerns regarding the impact that new houses and significant renovations were having to the existing character of mature neighbourhoods. The community felt that many new developments were out of scale with existing buildings in the neighbourhood. The findings of this study informed the amendments to the Official Plan and Zoning By-law.

One part of the study included a detailed review of Old Milton, including Barton Street. The study found that within the area of Old Milton where the subject property is located, that a minimum front yard setback of 6.0 metres was more consistent with the character of this neighbourhood, rather than the minimum 4.0 metre setback required for other lots zoned RLD and RLD1 with no site specific provision. Based on the results of this study and public consultation, the Zoning By-law was amended to include site specific *279 on the lands, which required the minimum 6.0 metre front yard setback.

The proposed front yard setback of 4.0 metres is not consistent with the character of the neighbourhood and does not meet the intent of the Official Plan policies and Zoning By-law provisions. It is staff's opinion, that the proposed variance is not minor, is not desirable for the lands, and does not meet the intent of the Official Plan and Zoning By-law.

Recommendation:

THAT the application for minor variance **BE DENIED**.

Natalie Stopar

Natalie Stopar, MCIP, RPP
Planner, Development Review

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