



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/060/M 267 Woodward Avenue

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 maximum lot coverage of 30.6%, whereas a maximum lot coverage of 25% is permitted.

The subject property is known municipally as 267 Woodward Avenue and is legally described as Plan 165 Lot 8. The property currently contains a single detached dwelling, which is a listed heritage building. The applicant is proposing to construct a detached garage in the rear yard and has requested an increase to the maximum permitted lot coverage to permit the structure.

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

The subject property is designated “Residential Area” on Scheduled B - Urban Land Use Plan and is located within the “Character Area” on Schedule D of the Official Plan. A range of residential uses, including single detached dwellings and associated residential accessory structures, are permitted within the Residential Area designation.

The property is also located within 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.

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 One with site specific provisions (RLD1*280) under Comprehensive Zoning By-law 016-2014, as amended. In this zone,

single-detached dwellings and accessory structures including detached garages are permitted.

Section 6.2, Table 6B(I) states that a maximum lot coverage of 25% is permitted for a lot with a lot area between 660 and 830 square metres. The applicant is proposing an increase to the lot coverage to 30.6% (an increase of 5.6%). The maximum permitted lot coverage is calculated based on the lot coverage of the dwelling and the detached garage.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 14, 2023. As of the writing of this report on, September 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. The following comments are noted by Planning staff:

Urban Design Comments

I have reviewed the drawings associated with the proposed development of a detached garage at 267 Woodward Ave and have no concerns with the proposal from an urban design perspective as it does not create a negative impact on the character of the neighbourhood and the streetscape and the increase of lot coverage is directed to the rear of the property.

Moreover, the proposal contributes to enhance and retain the existing character described by the presence of rear detached garages.

Engineering Comments:

Please be further advised that Development Engineering has no objection to the approval of this application; however, with conditions of approval. The Owner must acknowledge and agree that at time of Building Permit, Development Engineering will require the following information:

1. The Owner shall provide the Town with a detailed Grading Plan done to the satisfaction of development engineering showing the following items:
 - a. The grading plan shall show existing and proposed elevations according to the attached Town of Milton standard drawing No. E-18.
 - b. The Owner must ensure that the intent of the original drainage pattern is maintained, that any existing external drainage pattern is not impeded and that adjacent properties are not negatively impacted.
 - c. The grading plan must ensure that downspouts are to be located such that they do not adversely affect adjacent properties, and are not to drain directly onto adjacent properties.
 - d. The grading plan must ensure that existing elevations at property line are not altered.

Development Review Comments:

The applicant has requested a minor variance to permit the construction of a detached garage in the rear yard. The Zoning By-law currently permits a maximum lot coverage of 25% for the lot, which includes the combined lot coverage of the dwelling and the detached garage. Additionally, the Zoning By-law states that a detached garage shall not exceed 10% of the lot area.

The applicant is proposing a maximum lot coverage of 30.6%, of which the existing dwelling has a lot coverage of 21.7% and the detached garage has a proposed lot coverage of 8.9%. 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 significantly change the character of the neighbourhood. Furthermore, urban design staff and engineering staff reviewed the application and had no concerns.

Through the minor variance review, zoning staff confirmed that a small addition was previously constructed at the rear of the dwelling without a building permit. Staff have confirmed that no additional variances are required for the addition however, a building permit will be required. Planning staff request that the Committee add a condition that a building permit be obtained for the existing addition to the rear of the detached dwelling.

Planning staff are 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 subject property.

Recommendation:

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

1. That the Owner provide the Town with a detailed grading plan, to the satisfaction of Development Engineering staff;
2. That a building permit application be obtained for the existing addition to the rear of the detached dwelling.
3. That a building permit application be obtained for the detached garage within two (2) years from the date of this decision .
4. 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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