



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-23/050/M 48 Bardoe Crescent

#### 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 minimum interior side yard setback of 0.50 metres for an accessory structure, whereas a minimum interior side yard setback of 0.60 metres is required; and
2. A maximum gross floor area of 27.4 square metres for all the accessory structures on the lot, whereas a maximum gross floor area of 10 square metres is permitted.

The subject property is known municipally as 48 Bardoe Crescent and is legally described as Lot 90 on Registered Plan 20M-1017. The lot currently contains a single detached dwelling with a double car garage. The applicant is proposing to construct a gazebo in the rear yard and to retain an existing shed. Minor variances have been requested to permit an increase in the total accessory structure gross floor area for the lot and to permit a reduced interior side yard setback for the existing shed.

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

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

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 Medium Density 1 with site specific provisions (RMD1\*79) under Comprehensive Zoning By-law 016-2014, as amended. In this zone single-detached dwellings and accessory structures are permitted.

#### Variance 1: Reduced Interior Side Yard Setback

Section 4.2.1 Table 4A permits a minimum interior side yard setback of 0.60 metres for an accessory structure. The applicant is requesting a decrease to the interior side yard setback to 0.50 metres for the existing shed (a reduction of 0.10 metres).

#### Variance 2: Increase Gross Floor Area

Section 4.2.1 Table 4A permits a maximum total accessory structure gross floor area of 10 square metres for all accessory structures on the lot. The applicant is requesting an

increase in the maximum gross floor area of an accessory structure to 27.4 square metres for the proposed gazebo and existing shed (an increase of 17.4 square metres).

## **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, 2022, 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 is proposing to construct a gazebo in the rear yard and retain an existing shed. Minor variances have been requested to permit an increase in the total accessory structure gross floor area for the lot and to permit a reduced interior side yard setback for the existing shed.

The intent of maximum gross floor area for all accessory structures is to ensure that the accessory structures remain secondary to the primary use and do not adversely impact adjacent lands. The increased size of the accessory structures by 17.4 square metres is minor and the structures will be clearly secondary to the primary single detached dwelling. The gazebo is proposed to be 19.72 square metres in size and the existing shed is 7.68 square metres. The two structures will be located in the larger rear yard and the interior side yard, will not result in the overbuilding of the lot, and will continue to be secondary to the primary single detached use.

The intent of the interior side yard setback requirement is to ensure that the accessory structure can be maintained and that stormwater can be managed along the property line. The applicant has proposed to reduce the interior side yard setback to 0.50 metres from 0.60 metres for the existing shed. Staff note that the applicant moved the existing shed to increase the interior side yard setback as much as possible. Staff do not have any concerns with the minor reduction to the interior side yard setback.

Based on the foregoing, staff is of the opinion that the requested variances are minor in nature, conform to the general intent of both the Official Plan and Zoning By-law and are 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 proposed gazebo shall be located in accordance with the site plan, date stamped by Town Zoning on June 21, 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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September 20, 2023