



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-067M - 43 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:

- Allow a maximum lot coverage of 28.55%, whereas the Zoning By-law currently permits 25% (an increase of 3.55%).

The subject property is known municipally as 43 Barton Street and is legally described as Lot 4 on Plan 392. Surrounding land uses primarily include low-density residential.

The property received Site Plan Approval for a two-storey dwelling with a patio at the rear in 2022. Since such time, the applicant has elected to cover the patio to provide shaded area - by virtue of doing this, the patio is then considered as a porch under the Zoning By-law and therefore contributes to the lot coverage calculation. As such, the applicant is requesting an increase in lot coverage of 3.55% to accommodate the proposed covered porch at the rear of the dwelling.

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

The subject property is designated as Residential on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan.

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 (RLD 1*279). This Zone permits uses such as a single detached dwelling and accessory structures.

Section 6.2 Table 6B (I) of the Zoning By-law states that properties with a lot area between 680 square metres and 830 square metres shall have a maximum lot coverage of 25%. Given the proposed porch at the rear, the applicant is requesting to permit a total lot coverage of 28.55% (an increase of 3.55%).

The dwelling maintains all other zoning provisions.

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.

Given the dwelling is located within the Character Area, Policy and Urban Design Staff review the proposal and had no concerns; the porch does not impact the streetscape as the coverage is directed to the rear of the property.

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 an increase in lot coverage to permit a porch at the rear of the dwelling, which does not include a balcony above.

Planning Staff have reviewed the request for additional coverage and offer no objection. The porch itself does not impact the character of the surrounding area, nor does it create a privacy concern for adjacent land owners. Development Engineering expressed no concerns with the added coverage and run-off.

As such, Planning Staff offer no objection to the approval of this application. The variance 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.

Recommendation:

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

1. That the porch shall be located and constructed in accordance with the site plan and building elevations, prepared by Jeff Jansen Consulting, date stamped by Town Zoning on August 14, 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.

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September 20, 2023