



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-070/M 174 Martin Street

General Description of Application:

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

1. To allow the unobstructed length of a parking space in a garage to be 5.2 metres, whereas an unobstructed length of 5.3 metres is required, a difference of -0.1 metres;
2. To allow the detached garage to be located 1.0 metres from the principle building on a lot, whereas a setback of 1.2 metres from the garage to the principal building is required, a difference of -0.2 metres; and
3. To allow the lot coverage to be 23.75%, whereas lot coverage of 20% is required, a difference of +3.75%.

The subject property is known municipally as 174 Martin Street and located on the entrance corner of Martin Street Public School. The subject property contains a single-detached dwelling with a detached garage as well as a pool and shed. The applicant is proposing to remove the existing detached garage and replace it with a newly constructed detached garage. The garage will provide parking for one vehicle as well as personal storage.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan. This designation permits single detached dwellings and associated accessory structures.

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

Zoning:

The subject lands are zoned Residential Low Density One (RLD1) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD1 zone permits a variety of residential uses, including detached dwellings as well as accessory structures.

Variance 1 - Unobstructed Parking Space Length in a Garage

Section 4.2.2.1 v) of the Zoning By-law states that the minimum unobstructed length of a parking space in a garage is 5.3 metres. The applicant is requesting permission to allow the unobstructed length of a parking space in a garage to be 5.2 metres, a difference of 0.1 metres.

Variance 2 - Detached Garage Location

Section 4.2.2.2 ii) b) of the Zoning By-law states that a detached garage must be located no closer than 1.2 metres from the principle building on a lot. The applicant is requesting permission to allow the detached garage to be located 1.0 metres from the principle building, a difference of - 0.2 metres.

Variance 3 - Lot Coverage

Section 6.2 Table 6B(I) of the Zoning By-law states that the maximum permitted lot coverage for lots with an area greater than 830 square metres is 20%. The applicant is requesting permission to allow the lot coverage to be 23.75%, a difference of +3.75%.

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. Policy staff did review the application and confirmed that there are no urban design or heritage concerns with the proposed development. Development Engineering staff confirmed that the applicant will require to provide grading information during the Building Permit process.

Planning and Development Department Comments:

The applicant has requested a minor variance to facilitate the construction of a proposed detached garage to replace an existing detached garage.

Variance 1 - Unobstructed Parking Space Length in a Garage

The applicant is requesting permission to allow the unobstructed length of a parking space in a garage to be 5.2 metres, a difference of 0.1 metres. Planning staff are of the opinion that the proposed reduction is minor in nature and will not negatively impact the function of the detached garage. The proposed garage as well as the existing driveway provides adequate parking for multiple cars and there will be no impact to the surrounding area.

Variance 2 - Detached Garage Location

The applicant is requesting permission to allow the detached garage to be located 1.0 metres from the principle building, a difference of - 0.2 metres. The applicant did confirm the proposed location for the detached garage is to provide a sufficient distance between the structure and the existing pool and outdoor living area. Planning staff are of the opinion that the proposed garage location is reasonable and will not negatively impact or alter the property.

Variance 3 - Lot Coverage

The applicant is requesting permission to allow the lot coverage to be 23.75%, a difference of +3.75%. Planning staff are of the opinion that the proposed detached garage is compatible with and sympathetic to the existing dwelling and built form in the neighbourhood. The increase in lot coverage is minor in nature and the proposed detached garage is an appropriate size for the lot and does not result in overbuilding. As noted above, Policy staff did confirm that the proposed increase in lot coverage did not have a negative impact from a heritage or urban design perspective.

Planning staff have reviewed the requested variances and offer no objection to their approval. Planning staff are 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 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 detached garage shall be located and constructed in accordance with the site plan and building elevations, prepared by TBPG Drafting & Design date stamped by Town Zoning on August 14, 2023.
2. That a grading plan be provided to the satisfaction of Development Engineering staff.
3. That a building permit application be obtained 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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September 20, 2023