



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-23/051/M 1339 Chretien 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 landing accessing a principle building to encroach into the interior side yard by 0.80 metres, whereas a setback of 1.2 metres is required.

The subject property is known municipally as 1339 Chretien Street and is legally described as Lot 85 on Registered Plan 20M-1180. The property is located on the north side of Chretien Street in a low density residential neighbourhood, and backs onto St. Scholastica Elementary School.

The applicant is proposing to construct a basement apartment and has requested the minor variance to permit an above grade side door with 2 risers in the interior side yard. The minor variance is required to allow the landing to encroach into the minimum required 1.2 metre interior side yard setback, by 0.80metres.

#### 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. Second Residential Units are permitted. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

#### Zoning:

The subject lands are zoned as Residential Medium Density 1 with site specific provisions (RMD1\*207) in the Town of Milton Urban Zoning By-law 016-2014, as amended. In this zone, single detached dwellings including accessory apartments are permitted.

The RMD1 zone requires a minimum interior side yard setback of 1.2 metres in the subject side yard. Section 4.19.5 i) Table 5 permits stairs and landings above grade provided that they don't encroach into an interior side yard.

As the stairs and landing are proposed to encroach 0.80 metres into the interior side yard, a minor variance is required.

The proposed accessory apartment meets all other Zoning By-law provisions

#### Consultation

*Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, October 12, 2023. As of the writing of this report on, October 18, 2023, staff have not received any comments from members of the public.

Planning staff note that the notice sent on October 12, 2023 stated that a minor variance was requested to permit the above grade stairs and landing to encroach 0.85 metres into the interior side yard of 1.2 metres. Planning staff have clarified with Zoning and Building staff however, that a minor variance is only required to allow the stairs and landing to encroach 0.80 metres into the interior side yard. As the public notice identified a greater variance, the public notice has meet the requirements of the Planning Act and a revised notice is not required.

#### *Agency Consultation*

No objections were filed with respect to the variance application from Town staff or external agencies. The following agency comments are noted:

#### Milton Fire

Milton Fire noted that they have no objections provided that there are no protrusions into the 1.2 metres required set back such as basement windows when constructing the basement unit.

Planning staff note that the proposed stairs are located in front of the proposed window wells, and the remaining 1.2 metre side yard between the accessory apartment access and the street is clear.

#### **Development Review Comments:**

Planning Staff are of the opinion that the encroachment of the stairs into the required side yard is minor and will not impact adjacent properties or the functionality of the single detached dwelling and accessory apartment. The subject side yard is 1.26 metres wide, which is slightly larger than the minimum required 1.2 metre side yard. A minimum setback of approximately 0.39 metres will remain between the stairs and the subject interior side lot line, and a 0.65 metre side yard will remain in the opposite side yard. Access to the rear yard will continue to be available.

Based on the foregoing, staff is 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 land.

#### **Recommendation:**

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

1. That a building permit application be obtained within two (2) years from the date of this decision.
2. 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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