



## Memorandum to Committee of Adjustment Members

---

### Minor Variance Application: A-23/087/M 1379 Marshall 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 maximum gross floor area of all accessory structures on a lot to be 45 square metres, whereas a maximum gross floor area of 10 square metres is permitted; and
2. A maximum building height of 3.1 metres, whereas a maximum building height of 3.0 metres is permitted.

The subject property is known municipally as 1379 Marshall Crescent and is legally described as Lot 118 on Registered Plan 20M-926. The lot currently contains a single detached dwelling with a two car garage. The applicant is proposing to retain the existing accessory structure (referred to as a pergola) in the rear yard and has requested a minor variance application to permit the increased building size and height.

#### 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 (RMD1) under Comprehensive Zoning By-law 016-2014, as amended. In this zone, single-detached dwellings and accessory structures are permitted.

#### Variance One: Increase Gross Floor Area

Section 4.2.1 Table 4A permits a maximum accessory structure gross floor area of 10 square metres. The applicant is requesting an increase in the maximum gross floor area of the accessory structures to 45 square metres (an increase of 35 square metres).

#### Variance Two: Increase to Building Height

Section 4.2.1 Table 4A permits a maximum building height of 3.0 metres for accessory structures. The applicant is requesting an increase to the maximum building height to 3.1 metres (an increase of 0.1 metres).

## 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 28, 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.

### **Development Review Comments:**

The applicant has requested a minor variance to permit the existing large accessory structure (referenced as a pergola) in the rear yard to remain. Variances are required to permit the increased gross floor area and building height of the structure. Staff note that there is also an existing small shed on the property, which is included in the total building floor area calculation.

The intent of the maximum gross floor area and building height provisions is to ensure that the accessory structure remains secondary to the primary use and does not adversely impact adjacent lands. Despite the increased size of the accessory structure, the structure is located within a very large rear yard and will continue to be clearly secondary to the primary single detached dwelling. The proposed increase to the maximum building height by 10 centimeters is also minor and it will not significantly change the appearance of the structure. Lastly, staff note that the structure is setback 2.2 metres from the rear property line and 1.2 metres from the side property line, which greatly exceeds the minimum 0.6 metres required in the Zoning By-law. This further reduces the visual impact from the proposed structure on adjacent properties.

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.

**Natalie Stopar**

Natalie Stopar, MCIP, RPP  
Planner, Development Review

October 18, 2023