



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-095M 1290 Raspberry Terrace

#### 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 rear yard deck:

- To allow a maximum projection in the rear-yard of 4.27 metres, a difference of + 0.27 metres

The subject property is known municipally as 1290 Raspberry Terrace and located beside Raspberry Park. The subject property contains a single-detached dwelling with a two-car garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings. The applicant is proposing to recognize an existing rear-yard deck and has requested a minor variance application to permit the increase in rear-yard projection.

#### 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. Secondary Residential Units are also 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 Site Specific Residential Medium Density 1 (RMD1\*220) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*220 zone permits a variety of residential uses, including detached and townhouse dwellings as well as accessory structures and incidental uses.

Section 4.3.1 i. Table 4D Footnote (\*3) of the Town's Zoning By-law states that a deck greater than 1.2 metres above grade may project no more than 4.0 metres into the rear yard from the wall of the principal building closest to the rear lot line. The applicant is requesting permission to allow a maximum projection of 4.27 metres, a difference of + 0.27 metres, to recognize the existing development.

#### Consultation

##### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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.

**Planning and Development Department Comments:**

The applicant has requested a minor variance to recognize an existing rear-yard deck, at the above-noted address. The Town's Zoning By-law states that a deck greater than 1.2 metres above grade may project no more than 4.0 metres into the rear yard from the wall of the principal building closest to the rear lot line. The applicant is requesting permission to allow a maximum projection of 4.27 metres, a difference of + 0.27 metres, to recognize the existing development.

As it relates to the proposed rear-yard projection, planning staff are of the opinion that although that the increase is of sufficient depth to accommodate private amenity space in the rear yard and will not impact the adjacent properties and the use and enjoyment thereof. The subject property backs onto a green space and property is directly beside Raspberry Park.

It should also be noted that the existing deck will not exceed the typical footprint of other rear-yard decks in close proximity and does not negatively impact the dwellings character. It should be noted that all other zone provisions are met including lot coverage.

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 the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by the Owner, date stamped by Town Zoning on October 17, 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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