



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-096M 1611 Whitlock Avenue

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 reduction in the required interior side yard setback:

- Requesting permission to allow the interior side yard setback to be 6.53 metres in width, whereas 7.0 metres is required, a difference of - 0.47 metres

The subject property is known municipally as 1611 Whitlock Avenue and identified as Lot 50 as identified in Plan 20M-1263 and located on the corner of Whitlock Avenue and Trudeau Drive. Surrounding uses are residential and is primarily comprised of single-detached dwellings. A single-detached has been approved for the subject property but has not yet been constructed. The single-detached dwelling will contain a two-car garage.

Due to the subject property layout, the applicant is proposing the bay box/window and stair projections to be permitted into the interior side yard.

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

The subject property is designated Residential Area. The Residential Area designation permits a variety of residential uses, including single detached dwellings as well as incidental uses such as fences and swimming pools. The property is further designated Residential Area on Schedule C.10.C Land Use Plan of the Boyne Survey Secondary Plan Area. A variety of residential uses and incidental uses, including single detached dwellings and fences are permitted within this designation.

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*315) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1 zone permits a variety of residential uses, including single detached dwellings. Fences are permitted on all properties in accordance with the provisions of the zoning by-law.

Section 13.1.1.315 iv) f. iii) of the Town's Zoning By-law states that the minimum required interior side yard setback is 7.0 metres in width. The applicant is requesting permission to allow the interior side yard setback to be 6.53 metres in width, a difference of - 0.47 metres, for the proposed 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 facilitate the placement of the bay box/window and stair projections to be permitted into the interior side yard. At this time, the subject property is vacant but will contain a single-detached dwelling as part of the surrounding subdivision development. The subject property is located on the corner of Whitlock Avenue and Trudeau Drive. The subject property is an irregular roundabout lot and the proposed variance is required due to the shape of the property.

The applicant is requesting permission to allow the interior side yard setback to be 6.53 metres in width, a difference of - 0.47 metres, for the proposed development. Planning staff have reviewed the proposed variance and have no concerns as there is appropriate spacing between the proposed dwelling and the neighbouring properties. Further, the requested reduction in the interior side yard is consistent with other rear yards within the subdivision development. The location of the bay box/window and stair projects will not be an obstruction and will be negligible to the surrounding properties.

Planning staff have reviewed the requested variance and offer no objection to its approval. Planning staff are 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 subject property.

Recommendation:

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

1. The development shall be located and constructed generally in accordance with the site plan, prepared by Korsiak Urban Planning and date stamped by the Zoning Department on October 19, 2023, to the satisfaction of the Town of Milton Building Department.
2. That the approval be subject of an expiry of two 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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November 22, 2023