



# Memorandum to Committee of Adjustment Members

## Minor Variance Application: A23-105M 752 Robertson Crescent

### 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 covered rear deck:

- To allow a maximum lot coverage of 33.47%, a difference of + 3.47%

The subject property is known municipally as 752 Robertson Crescent and located near Robertson Crescent and Childs Drive. The subject property contains a single-detached dwelling with an attached two-car garage. The rear yard does contain a swimming pool and the covered rear deck has already been constructed.

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

The subject lands are designated “Residential Area” on Schedule B - Urban Land Use Plan of the Town of Milton Official Plan. The permitted uses of the “Residential Area” designation are primarily low to medium density residential dwellings as well as accessory structures.

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 Site Specific Residential Low Density 7 (RLD7\*310) under Comprehensive Zoning By-law 016-2014, as amended. The RLD7\*310 Zone permits single detached dwellings (among other types of dwellings) and supplementary uses such as accessory structures.

Section 6.2 Table 6B-2 (I) Footnote (\*2) of the Zoning By-law states that the permitted lot coverage for lots with area that are less than 660 square metres is 30%. The applicant is requesting permission to allow an increase in lot coverage to 33.47%, a difference of + 3.47%, to recognize the rear covered deck.

### Consultation

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 29, 2023. As of the writing of this report on December 6, 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 the construction of a covered deck in the rear yard of the subject property. The covered deck is intended to provide private outdoor space as well as shelter from the sun during the summer months. Uncovered decks do not contribute to overall lot coverage, however the installation of a roof does.

The applicant is requesting permission to allow an increase in lot coverage to 33.47%, a difference of + 3.47%, to recognize the rear covered deck. The deck will serve as a covered area for privacy and shade during the summer months. The deck is considered to form part of the principle coverage on the lot because the roof will be attached to the existing dwelling. If the deck and roof structure were independent, the accessory structure provisions would apply.

In consideration of the proposed increase lot coverage, Planning staff do not anticipate that the increase in size will have a negative impact on the subject lands or surrounding property owners. The proposed structure, although in excess of them maximum lot coverage, meets all remaining zoning provisions including height and setbacks.

Planning staff have reviewed the requested variance and offer no objection to the approval subject to the conditions listed below. 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 covered rear deck shall be located in accordance with the site plan and building elevations, prepared by the Owner. date stamped by Town Zoning on November 6, 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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