



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-100/M - 320 Kingsleigh Court

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:

- Requesting permission to allow a reduced interior side yard setback of 1.2 metres, whereas the Zoning By-law requires a minimum of 1.8 metres (a reduction of 0.6 metres).

The subject property is known municipally as 320 Kingsleigh Court and is legally described as Lot 43 on Plan 558. The lands are generally located south of Steeles Avenue and east of Martin Street within Mountain View neighbourhood. Surrounding land uses include low density residential, parkland and W.I Dick Public School.

To facilitate the construction a second storey addition, the applicant is seeking relief from the Zoning By-law relating to the interior side yard setback.

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

The subject property is designated as Residential on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan and identified as a 'Mature Neighbourhood Area' through Section 3.2.1.8. Residential additions are permitted within this area and shall be compatible and respectful of the character of the neighbourhood.

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 as site-specific Residential Low Density II (RLD2*299) with a Natural Heritage Systems overlay. This zone permits low density residential, including single detached dwellings and semi-detached, along with accessory structures.

Section 6.2 Table 6B-1*4 of the Zoning By-law requires that lots with a frontage between 15 metres and 25 metres with a dwelling that has a detached garage have a minimum interior side yard setback of 1.8 metres. To facilitate the proposed addition, the applicant is requesting a reduction of 0.6 metres, resulting in a minimum interior side yard setback of 1.2 metres.

The proposal complies with all other provisions, including lot coverage and height.

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.

The subject lands are considered to be within the flood hazard associated with Sixteen Mile Creek and therefore is regulated by Conservation Halton. Through agency circulation, Conservation Halton expressed no concerns with the proposal and have issued a Development Permit.

Urban Design Staff have reviewed the application and offer no objection to the proposal.

Planning and Development Department Comments:

The applicant has requested relief from the Zoning By-law to facilitate the siting of a proposed second storey addition. In part with the proposal, the applicant will remove the existing shed, retain the porch at the rear of the dwelling and add a covered porch to the front of the dwelling.

The proposed interior side yard setbacks of 1.2 metres provide ample access to the rear yard, allows for adequate run-off and drainage, and maintains privacy of adjacent dwellings. While less than what the Zoning By-law requires, the impact of the reduced setback is minimal. With the exception of the interior side yard setback, the proposal is as-of-right and complies with all other provisions of the Zoning By-law.

The second storey maintains the height provision within the Zoning By-law and elevations depict minimal windows in an effort to maintain the privacy of adjacent land owners. The inclusion of a covered porch at the front of the dwelling represents a positive contribution to the character of the neighbourhood.

Based on the aforementioned, Planning Staff are of the opinion that the requested variance is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and conforms to the Official Plan. As such, Planning Staff offer no objection to the application.

Recommendation:

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

1. That the addition shall be generally located and constructed in accordance with the site plan and building elevations, prepared by Caprija Corporation, date stamped by Town Zoning on November 29, 2023.
2. That prior to Building Permit issuance, a Conservation Halton Permit must be provided.
3. That a Building Permit be obtained within two (2) years from the date of this decision.

4. 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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