



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-117M 104 Robert Street

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:

- To allow the maximum permitted lot coverage for a lot greater than 830 square metres to be 37%, a difference of + 17%.

The subject property is known municipally as 104 Robert Street and located on the corner of Robert Street and Bell Street. At this time, the subject property contains a single-detached dwelling which is being used as a duplex and will be demolished. The applicant is proposing to build a new single-detached dwelling.

Planning staff met with the owners to discuss the proposed development during the pre-submission process. The owners did revise the proposed development and eliminated two other variance requests which were proposing an increase in the height for the proposed dwelling as well as recognizing a decreased front yard setback. Planning staff did encourage the applicant to reduce the lot coverage but the applicant has proceeded with the original request of an increase of 17%.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan on Schedule B 'Urban Area Land Use Plan'. This designation permits single detached dwellings and accessory structures.

The property is also located within a Mature Neighbourhood Area on Schedule F of the Town of Milton Zoning By-law 016-2014. On October 19th, 2020 Milton Council passed Official Plan Amendment No. 60 and an accompanying Zoning By-law Amendment for the Downtown Character Area in accordance with the Mature Neighbourhoods Character Study. The Official Plan Amendment updated the Town's policies to better manage development in Mature Neighbourhood and Character Areas, and the Zoning By-law Amendment introduced new standards that apply to low-density residential development in the Downtown Character Area.

The Official Plan policies intend for Mature Neighbourhood Areas around the Central Business District to remain relatively stable so far as built form and urban design. The policies specify that in these areas, infill and development must be compatible with and respectful of the existing neighbourhood character.

There are a number of sections of the Official Plan that speak to ensuring that development within the Mature Neighbourhood areas shall be sympathetic to the surrounding area and proposed development shall incorporate scale, massing, building

height as well as other characteristics prevalent in the area. Further, Section 5.8.3.2 of the Official Plan does state that minor variance applications for development within the Mature Neighbourhood Areas shall be evaluated based on the following additional criteria: a) that the scale, massing, building height, built form features and coverage are compatible with and respectful of the existing character of the Area; and b) that the impacts on adjacent properties are minimized.

It is Staff's opinion that the proposal is not in conformity with the Town of Milton Official Plan. The proposed increase in lot coverage is not fitting with the surrounding neighbourhood or Mature Neighbourhood area.

Zoning:

The subject lands are zoned Residential Low Density 1 (RLD1) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD1 zone permits a variety of residential uses, including detached dwellings.

Section 6.2 Table 6B (*1) of the Town's Zoning By-law states that the maximum permitted lot coverage for a lot greater than 830 square metres is 20%. The applicant has requested permission to allow the maximum permitted lot coverage for a lot greater than 830 square metres to be 37%, an increase of 17%, to facilitate the proposed development.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on January 10, 2024. As of the writing of this report on January 17, 2024 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. It's noted that a building permit must be received prior to commencing construction of the accessory dwelling unit.

Town Engineering did confirm that a Detailed Grading Plan, Stormwater Management Brief and a Road Occupancy Entrance Permit will be required as part of the Building Permit process.

Urban Design staff did review the application as part of the pre-submission process and provided the applicant with comments to improve the proposed design and scale of the dwelling. Staff had noted that consideration needed to be placed on how the proposed dwelling fits into the streetscape of Robert Street and Bell Street to ensure that it meets conformity with the Town's urban design and character area policies. Further, Urban Design staff did provide comments regarding concerns that the proposed lot coverage was not consistent with the findings of the Mature Neighbourhood Character Study.

Planning and Development Department Comments:

The applicant has requested a minor variance to facilitate the construction of a proposed detached dwelling. The subject property currently contains a single-detached dwelling which will be demolished.

As noted above, Town staff did meet with the applicant to discuss the proposed development and expressed concerns regarding the requested increase in lot coverage. The proposal was revised however, Town staff did inform the applicant that the proposed development did not meet the four tests of a minor variance and could not provide support.

The applicant has requested permission to allow the maximum permitted lot coverage for a lot greater than 830 square metres to be 37%, an increase of 17%, to facilitate the proposed development. Planning staff are of the opinion that the scale and size of the proposed dwelling and the required increase in lot coverage is considered overdevelopment on the subject property and not minor in nature. Further, staff are of the opinion that the proposed increase in lot coverage does not maintain the policies of the Official Plan and specifically, the Mature Neighbourhood Character Study.

The Mature Neighbourhood Character Study included an examination of existing lot coverages in the area and the minimum lot coverage provisions based on the size of the lot was incorporated into the Zoning By-law through this Study. The Mature Neighbourhood Character Study was initiated by Council to address resident concerns regarding new development meeting the existing character of the mature neighbourhoods. During the Study, a number of residents voiced concerns that many new developments were out of scale and design with the existing neighbourhoods. Urban Design staff worked on the Study for a lengthy period to ensure that the findings informed the amendments to the Official Plan and Zoning By-law with the goal of protecting the Character Area.

The proposed increase in lot coverage is not minor in nature nor in keeping with the goals of the Mature Neighbourhood Character Study and the resultant zoning provisions. The Study does confirm that the average lot coverage in the Victoria Park Neighbourhood is 24.7% which is significantly lower than the requested increase required to facilitate the proposed development.

Further, Planning staff are concerned about the scale of the home and the impact of the façade as it will be featured on the corner of Robert Street and Bell Street. Due to the corner lot location, the impact of the side of the dwelling will be quite substantial along Robert Street.

Planning staff have reviewed the requested variance and recommend refusal. Planning staff are of the opinion that the requested variance does not conform to the general intent of the Official Plan and Zoning By-law and is not desirable for the development and use of the subject property. Further, staff are also of the opinion that the requested increase in lot coverage is not minor in nature.

Recommendation:

THAT the application for minor variance **BE DENIED**.

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January 17, 2024