



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/006/M 438 Pringle 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:

- Stairs and a landing to be setback a minimum of 0.67 metres from the side lot line, whereas stairs and landings are not permitted within the required side yard setback of 1.2 metres (a reduction of 0.53 metres).

The subject property is known municipally as 438 Pringle Avenue and is legally described as Lot 40 on Plan 20M-1053. The property is located on the east side of Pringle Avenue in a low density residential neighbourhood.

The applicant is proposing to construct an accessory apartment in the existing single detached dwelling with an entrance to the apartment in the interior side yard. As the entrance requires a landing as per the Building Code, a minor variance is being requested to permit the landing in the interior side yard.

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. Second Residential Units are 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 as Residential Medium Density 1 with site specific provisions (RMD1*104) in the Town of Milton Urban Zoning By-law 016-2014, as amended. In this zone, single detached dwellings are permitted.

The RMD1 zone requires a minimum interior side yard setback of 1.2 metres in the subject side yard. As the stairs and landing are proposed to be located within 0.67 metres of the interior side yard, a variance is required.

The proposed accessory apartment meets all other Zoning By-law provisions.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, January 13, 2023. As of the writing of this report on, January 19, 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:

Planning Staff are of the opinion that the encroachment into the required side yard is minor and will not impact adjacent properties or the functionality of the single detached dwelling and accessory apartment. The subject side yard is approximately 1.7 metres at the front of the property to 1.2 metres at the rear. The proposed steps and landing for the accessory apartment will be a small encroachment into the interior side yard and the majority of the side yard will remain unencumbered. Access to the rear yard will still be available through the side yard.

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 a building permit application be obtained within two (2) years from the date of this decision for the accessory apartment.
2. 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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