



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/007/M 25 Bardoe Crescent

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 016-2014, as amended, have been requested to permit:

1. A total gross floor area of 14.5 square metres for all accessory structures, whereas a total gross floor area of 10 square metres is currently permitted (an increase of 4.5 square metres); and
2. An increase in the maximum height of an accessory structure to 3.06 metres, whereas a maximum height of 3.0 metres is currently permitted (an increase of 0.06 metres).

The subject property is known municipally as 25 Bardow Crescent and is legally described as Lot 81 on Registered Plan 20M-1017. The lot currently contains a single detached dwelling with a single car garage. The applicant is proposing to construct a gazebo in the rear yard and has requested a minor variance application to permit the increased building size and height of the accessory structure.

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

The subject property is designated "Residential Area" on Scheduled B - Urban Land Use Plan. A range of residential uses, including single detached dwellings and associated residential accessory structures, are permitted within the Residential Area designation.

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 Residential Medium Density 1 with site specific provisions (RMD1*79) under Comprehensive Zoning By-law 016-2014, as amended. In this zone, single-detached dwellings and accessory structures are permitted.

Variance One: Increase Gross Floor Area

Section 4.2.1 Table 4A permits a maximum accessory structure gross floor area of 10 square metres. The applicant is requesting an increase in the maximum gross floor area of an accessory structure to 14.5 square metres (an increase of 4.5 square metres).

Variance Two: Increase to Building Height

Section 4.2.1 Table 4A permits a maximum building height of 3.0 metres for accessory structures. The applicant is requesting an increase to the maximum building height to 3.06 metres (an increase of 0.06 metres).

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.

Staff note that development engineering confirmed that they have no concerns with the proposed variances however, they requested that the applicant ensure that the proposed patio has a minimum setback of 0.45 metres from the side lot line to ensure that the side yard swale remains undisturbed.

Staff recommend that should the variance be approved, that a condition be added to ensure that the patio is setback 0.45 metres from the side lot lines.

Planning and Development Department Comments:

The applicant has requested a minor variance to facilitate the construction of a covered gazebo in the rear yard. Variances are required to increase the gross floor area and building height of the structure.

The intent of maximum gross floor area and building height provisions is to ensure that the accessory structure remains secondary to the primary use and does not adversely impact adjacent lands. The increased size of the accessory structure by 4.5 square metres is minor and the structure will be clearly secondary to the primary single detached dwelling. The proposed increase to the maximum building height by 6 centimeters is also minor and it will not significantly change the appearance of the structure. Lastly, staff note that the structure is proposed to be setback 1.14 metres from the rear property line and 1.56 metres from the side property line, which greatly exceeds the minimum 0.6 metres required in the Zoning By-law. This will further reduces any potential visual impact from the proposed structure on adjacent properties.

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 be obtained within two (2) years from the date of this decision.

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; and
3. That the patio be setback a minimum of 0.45 metres from the side lot lines.

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January 18, 2023