



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/035M 395 Nunn Court

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 18.73 square metres for all accessory structures, whereas a total gross floor area of 10 square metres is permitted; and
2. A maximum building height of 3.3 metres for an accessory structure, whereas a maximum building height of 3.0 metres is permitted.

The subject property is known municipally as 395 Nunn Court and is legally described as Lot 71 on Registered Plan 20M-1053. The lot currently contains a single detached dwelling with a single car garage. The applicant is proposing to construct an accessory structure in the rear yard and has requested a minor variance application to permit the increased building size and height of the accessory structure. The accessory structure is intended to act as outdoor amenity space related to a new pool in the rear yard.

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*104) 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 18.73 square metres (an increase of 8.73 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 3.3 metres (an increase of 0.03 metres).

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, June 15, 2023. As of the writing of this report on, June 21, 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.

Halton Region staff noted that a portion of the property is identified as having archaeological potential. Although an archaeological assessment is not required by Halton Region, the proponent is cautioned that during development activities, should archaeological materials be found on the property, the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism should be notified immediately (archaeology@ontario.ca). In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar, Ontario Ministry of Public and Business Service Delivery, who administers provisions of that Act related to burial sites and the Ministry of Citizenship and Multiculturalism. All soil disturbance must stop to allow the authorities to investigate.

Development Review Comments:

The applicant has requested a minor variance to facilitate the construction of an accessory structure in the rear yard. Variances are required to increase the total gross floor area for the accessory structures on the lot and for an increase to the maximum accessory structure building height.

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 8.73 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 30 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 1.37 metres from the rear property line and 2.44 to 0.91 metres from the side property line, which exceeds the minimum 0.6 metres required in the Zoning By-law. This will further reduce 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 the accessory structure shall be generally located and constructed in accordance with the site plan and building elevations, prepared by Benjamin Res, date stamped by Town Zoning on May 16, 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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