



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-040M - 66 Martin Street

General Description of Application:

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

- Permit a maximum lot coverage of 35.2%, whereas the Zoning By-law currently allows a maximum of 30% (an increase of 5.2%).
- Allow a minimum front yard setback of 2.4 metres to the proposed garage, whereas the Zoning By-law currently requires a minimum setback of 4.0 metres (a reduction of 1.6 metres).
- Allow a minimum rear yard setback of 2.65 metres to the proposed rear addition, whereas the Zoning By-law requires a minimum of 7.5 metres (a reduction of 4.85 metres).
- Allow a minimum rear yard setback of 6.0 metres to the proposed garage, whereas the Zoning By-law requires a minimum of 7.5 metres (a reduction of 1.5 metres).
- Allow a porch to be setback a minimum of 2.3 metres from the rear lot line, whereas the Zoning By-law requires a minimum of 3.0 metres (a reduction of 0.7 metres).
- Allow a residential driveway to extend into the rear yard, whereas the Zoning By-law does not allow a driveway to do so.

The subject property is known municipally as 66 Martin Street and is legally described as Lots 4 and 5 of Block 7 on Plan 15. The lands are located at the south end of Martin Street on the west side, directly adjacent to Mill Pond. Surrounding land uses include residential, parkland and local commercial.

The property currently contains a two storey residential dwelling with a rear deck, along with two driveways - one located at the north property line and one at the south.

The applicant intends to construct a residential addition that would include a second storey at the rear of the existing structure and a two storey addition to the south of the structure that would accommodate additional living space and an attached garage.

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

The subject property is designated a Central Business District Area on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan. The lands are further identified as Low Density Residential Sub-Area on Schedule C - Central Business District Land Use Plan. Permitted uses include single detached dwellings, semi-detached dwellings and duplex dwellings.

This designation encourages development to be compatible with and sympathetic to existing built forms to support the established Character Area and mature neighbourhood.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended. The application is continuing the residential use through a single-detached dwelling and proposes a design that is sympathetic to the surrounding neighbourhood built-form.

Zoning:

The subject lands are zoned as Residential Low Density I (RLD1) under Town of Milton Urban Zoning By-law 016-2014, as amended. This zone permits residential uses, such as single detached dwellings, and accessory uses.

The applicant is seeking the following relief from the Zoning By-law:

Variance #1: Increased Lot Coverage

Section 6.2 Table 6B (I) of the Zoning By-law allows a maximum lot coverage of 30%. The intent of this provision is to prevent over-development of a site and to ensure appropriate drainage and grading features can be accommodated.

To accommodate the increase footprint associated with the residential dwelling and garage, the applicant is requesting a maximum of 35.2%.

Variance #2: Reduced Front Yard Setback

Section 6.2 Table 6B of the Zoning By-law requires a minimum front yard setback of 4.0 metres. The intent of this provision is to ensure that the development is not within the immediate vicinity of the public right-of-way and creating visual obstruction to the roadway, along with maintaining consistent siting of dwellings along a street with the intent to maintain urban design and façade principles.

To accommodate the proposed garage, the applicant is requesting a front yard setback of 2.4 metres.

Variance #3 and #4: Reduced Rear Yard Setback

Section 6.2 Table 6B of the Zoning By-law requires a minimum rear yard setback of 7.5 metres. The intent of this provision is to ensure that a structure is adequately setback from the lot line to maintain amenity space, protect for drainage features, and provide adequate privacy from neighbouring lands.

To accommodate the confirmation of the lot and proposed placement of development, the applicant is seeking a rear yard setback of 2.65 metres for the rear addition and 6.0 metres for the garage.

Variance #5: Porch/Veranda Encroachment

Section 4.19.5 Table 4H of the Zoning By-law requires that a porch or veranda shall not encroach within 3.0 metres of a rear lot line. The intent of this provision is to ensure that a porch or veranda does not impede privacy of neighbouring lands and that the site can accommodate all drainage within the property boundaries.

To accommodate the configuration of the lot and siting of existing deck, the applicant is requesting an encroachment of 0.7 metres, resulting in a setback of 2.3 metres.

Variance #6: Driveway

Section 5.6.2 vi of the Zoning By-law does not permit a driveway to extend into a rear yard, except in instances of a detached garage or carport. To accommodate the unique configuration of the lot, the applicant is requesting for the driveway to extend into the rear yard.

With exception of the above-noted provisions, the proposal maintains all other provisions set-out in the Zoning By-law.

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.

The property is regulated by Conservation Halton (CH) as it is located within a floodplain associated with a tributary of Sixteen Mile Creek. CH Staff confirmed that the proposal adheres to its policy and issued Development Permit No. 8511.

The property is listed on Milton's Heritage Register as the property is identified as having heritage value within the community. While a Heritage Permit is not required, Urban Design and Policy Planning Staff offer no objection to the approval of this application.

While no objection was provided, Halton Region requested that an EIA Waiving Assessment be completed given the development's proximity (within 120 meters) of a Natural Heritage Feature. Given that no tree removal is required to accommodate this development, nor will any lands be disturbed beyond what is existing, Town Planning Staff are of the opinion that the intent of the above-noted policies are satisfied.

Planning and Development Department Comments:

The applicant has requested a minor variance to accommodate a proposed residential addition and attached garage. The owner intends to create additional living area with accessible features for their family's need.

Given the site's proximity to Mill Pond and Martin Street, the property has a greater frontage and reduced depth, which creates development restraints as it relates to setbacks.

Variance #1: Increased Lot Coverage

Given that the lot has an area less than 660 square metres, the Zoning By-law permits a maximum of 30% lot coverage. With the applicants intending to construct an attached garage and additional residential area, an increase in lot coverage is required to accommodate the overall footprint.

The applicant has provided a Grading Plan and Stormwater Management Brief in support of this application, to which Development Engineering Staff are satisfied with - if further information is required, this can be done so through the concurrent building permit review.

Since the applicant has demonstrated that no negative impacts will result in relation to drainage and grading, along with the reduced lot size, Planning Staff are of the opinion that this variance is minor in nature and will not result in over-development of the subject lands.

Variance #2: Reduced Front Yard Setback

The property's configuration and reduced depth restricts the developable area, along with the floodplain boundaries to the rear - as such, the applicant has proposed that the residential reduction encroaches into the required front yard setback to accommodate the desired residential gross floor area.

Given that the Transportation Staff has no concerns with the proposal as it relates to the right-of-way, along with the proposal's ability to maintain existing siting patterns and front façade along Martin Street, Planning Staff are of the opinion that the reduction is minor and will facilitate the residential addition.

Variance #3 and #4: Reduced Rear Yard Setback

The applicant is proposing a second storey to the existing one-storey at the rear of the dwelling. Given that the setback is existing and not being perpetuated through this application, along with Conservation Halton expressing no concerns, Planning Staff offer no objection to the approval of this variance.

Variance #5: Porch/Veranda Encroachment

Similar to the above, the property's configuration and reduced depth restricts the developable area, along with the floodplain boundaries to the rear. The existing deck that will be removed and replaced shares the same setback - given that Conservation Halton Staff offered no objection and that the re-build of the deck is not worsening conditions, Planning Staff are of the opinion that this variance is minor and any impact is negligible.

Variance #6: Driveway Extension

Similar to above, the subject driveway is existing and will be slightly extended to accommodate the proposed garage. Given the property's configuration and reduced depth, there is no other location suitable for this driveway.

Based on the aforementioned, Planning Staff offer no objection to relief being requested through this application. The variances are minor in nature, desirable for the development of the subject lands, maintain the intent of the Zoning By-law and conform to the Official Plan.

Recommendation:

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

1. That the residential addition and attached garage shall be generally located and constructed in accordance with the site plan and building elevations, prepared by Pamela Farrow, date stamped by Town Zoning on May 11, 2023.

2. That engineered drawings for the proposed retaining wall, prepared and stamped by a professional engineering be submitted to the satisfaction of Town Engineering, prior to building permit issuance.
3. That a building permit application 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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