



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-043M - 817 Willow Avenue

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:

- Allow a maximum height of 3.8 metres for the cabana and 3.6 metres for the shed, where as the Zoning By-law permits 3.0 metres (an increase of 0.8 metres and 0.6 metres).
- Allow a maximum gross floor area of 54.2 square metres, where as the Zoning By-law currently allows 10 square metres (an increase of 40.2 square metres).

The subject property is known municipally as 817 Willow Avenue and is legally described as Lot 30 on Plan M76. Primary surrounding land uses include residential.

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

The subject property is designated as Residential on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan.

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 as Residential Low Density VI (RLD6). Single detached dwellings and accessory structures are permitted within this zone.

The applicant is seeking relief in respect to the following provisions:

Section 4.2.1 Table 4A of the Zoning By-law permits a maximum height of 3.0 metres, where as the applicant is requesting 3.8 metres for the cabana and 3.6 metres for the shed.

Section 4.2.1 Table 4A(I) of the Zoning By-law permits a maximum gross floor area of 10 square metres, where as the applicant is requesting a total gross floor area (for both the cabana and shed) of 54.2 square metres.

With the exception of the above-noted provisions, the proposal complies with 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.

Planning and Development Department Comments:

The subject property currently contains a single detached dwelling and an in-ground pool. To accommodate outdoor living space and pool storage, the applicant intends to construct a shed and cabana. In doing so, the applicant has requested to increase the permitted gross floor area and height associated with accessory structures.

Given the size of the lot and location of the structures, planning staff are of the opinion that the requested variances do not result in over-development of the subject lands, nor impede adjacent properties in way of privacy or sightline.

The additional height and gross floor area will not create any additional impact beyond what would otherwise be permitted as-of-right based on the siting and design/elevations of the structures.

Based on the aforementioned, planning staff offer no objection to the approval of the requested relief. 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 shed and gazebo shall generally be located and constructed in accordance with the site plan and building elevations, prepared by KLAB, date stamped by Town Zoning on May 26, 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.

Rachel Suffern

Rachel Suffern, MPA, M.Sc. (PI)
Planner, Development Review

June 21, 2023