



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/041/M 1399 Hamman Way

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 29.2 square metres for all accessory structures, whereas a total gross floor area of 10 square metres is currently permitted (an increase of 19.36 square metres); and
2. An increase in the maximum height of an accessory structure to 3.35 metres, whereas a maximum height of 3.0 metres is currently permitted (an increase of 0.35 metres).

The subject property is known municipally as 1399 Hamman Way and is legally described as Lot 141 on Registered Plan 20M-1207. The lot currently contains a townhouse dwelling with a single car garage, and a 9.47 square metre shed in the rear yard. The applicant is proposing to construct a 19.81 square metre accessory structure (cabana) 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 townhouse 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*207) under Comprehensive Zoning By-law 016-2014, as amended. In this zone, townhouse 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 for all accessory structures on the lot. The applicant is requesting an increase in the maximum gross floor area of the accessory structures to 29.2 square metres (an increase of 19.36 square metres). The maximum accessory structure gross floor area includes the size of the exiting shed and the proposed cabana.

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 3.35 metres for the cabana (an increase of 0.35 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.

Development Review Comments:

The applicant has requested a minor variance to facilitate the construction of an additional accessory structure (cabana) in the rear yard. Variances are required to increase the gross floor area for all the accessory structures on the lot and to permit an increase to the building height of the accessory 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 proposed increased gross floor area of all accessory structures on the lot to 29.2 square metres is minor as the existing rear yard is very large in size. Despite the increase, the structure will be clearly secondary to the primary single detached dwelling. The proposed increase to the maximum building height by 35 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 2.16 metres from the rear property line and 1.85 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 variances are minor in nature, conform to the general intent of both the Official Plan and Zoning By-law and are 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 (cabana) shall be generally located and constructed in accordance with the site plan date stamped by Town Zoning on May 18, 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.

Natalie Stopar

Natalie Stopar, MCIP, RPP
Planner, Development Review

June 21, 2023