



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/048/M 171 Wakefield Road

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:

1. A maximum garage door height of 3.05 metres, whereas a garage door height of 2.43 metres is permitted; and
2. A maximum building height of 4.88 metres for a detached garage, whereas a maximum height of 4.3 metres is permitted.

The subject property is known municipally as 171 Wakefield Road and is legally described as Lot 25 on Registered Plan 565. The applicant is proposing to construct a detached garage in the rear yard. The increases to the height of the detached garage and garage door is proposed to accommodate the parking of a truck with an ATV on the truck bed.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan on Schedule B 'Urban Area Land Use Plan'. This designation permits single detached dwellings and accessory structures.

The property is also located within a Mature Neighbourhood Area on Schedule F of the Town of Milton Zoning By-law 016-2014. On October 19th, 2020 Milton Council passed Official Plan Amendment No. 60 and an accompanying Zoning By-law Amendment for the Downtown Character Area in accordance with the Mature Neighbourhoods Character Study. The Official Plan Amendment updated the Town's policies to better manage development in Mature Neighbourhood and Character Areas, and the Zoning By-law Amendment introduced new standards that apply to low-density residential development in the Downtown Character Area.

The Official Plan policies intend for Mature Neighbourhood Areas around the Central Business District to remain relatively stable. The policies specify that in these areas, development must be compatible with and respectful of the existing neighbourhood character.

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 Low Density 3 (RLD3) in Comprehensive Zoning By-law 016-2014 as amended. This zone permits single detached dwellings and detached garages on the lot.

Variance 1: Garage Door Height

Section 4.2.2.1 iv) permits a maximum garage door height of 2.43 metres. The applicant has proposed a garage door height of 3.05 metres (an increase of 0.62 metres).

Variance 2: Detached Garage Height

Section 4.2.2.2 i) d) permits a maximum building height of 4.3 metres for a detached garage. The applicant is proposing a building height of 4.88 metres (an increase of 0.58 metres).

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on August 16, 2023. As of the writing of this report on August 23, 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 Engineering staff noted that the following comments will need to be addressed at the building permit stage:

1. As per Engineering standards manual the maximum driveway slope allowance is six percent.
2. Please provide downspout locations for proposed garage.
3. Existing elevations along property line are not to be altered. Add note to site plan
4. Insufficient grading information has been provided; we require grading (+-) meter tag each proposed corner showing grade change.

Development Review Comments:

The applicant has requested a minor variance to facilitate the construction of a detached garage in the rear yard. Variances are required to permit an increase to the maximum heights of the garage and garage door, to accommodate the parking of a truck with an ATV on the truck bed.

The intent of the maximum building height provisions is to ensure that the detached garage remains secondary to the primary use and does not adversely impact adjacent lands. The increased height of the garage by 0.58 metres is minor, and the structure will be clearly secondary to the primary single detached dwelling. Additionally the proposed increase to the garage door height by 0.62 metres is required to accommodate the type of personal vehicles to be stored within the structure.

Planning staff additionally note that the applicant has reduced the height of the detached garage and garage door in response to preliminary planning comments on the application. Staff are satisfied with the changes made and do not have any further design concerns.

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 a building permit application 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.

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