



# Memorandum to Committee of Adjustment Members

## Minor Variance Application: A-23/057/M 871 Whitlock Avenue

### General Description of Application:

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

- A minimum exterior side yard setback of 1.65 metres, whereas a minimum exterior side yard setback of 2.0 metres is required.

The subject property is known municipally as 871 Whitlock Avenue and is legally described as Lot 156 on Registered Plan 20M-1227. The property is located at the corner of Whitlock Avenue and Hazel Way in a low density residential neighbourhood. The lot contains a single detached dwelling with an attached 2 car garage.

The applicant is proposing to construct a basement apartment, where the entrance to the accessory apartment is located in the exterior side yard. The minor variance is required to permit the below grade stairs in the exterior side yard.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan. This designation permits single detached dwellings and associated accessory structures. Secondary Residential Units are also permitted. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

### Zoning:

The subject lands are zoned as Residential Medium Density One (RMD1) with site specific provisions. Single detached dwellings and accessory dwelling units are permitted.

Section 6.2 Table 6C of the Zoning By-law requires a minimum exterior side yard setback of 2.0 metres. The applicant has requested to minimum exterior side yard setback of 1.65 metres (a reduction of 0.35 metres) to permit the stairs in the exterior side yard.

There are no Zoning By-law provisions which prohibit below grade stairs in the exterior side yard.

### 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 Review Comments:**

The applicant has requested a minor variance to permit below grade stairs, accessing an accessory apartment, in the exterior side yard. Planning Staff are of the opinion that the encroachment into the exterior side yard is minor and will not impact adjacent properties or the functionality of the single detached dwelling and accessory apartment.

To improve the design of the stairs in the exterior side yard, the applicant has agreed to provide landscaping to screen the below grade entrance from view of the street. The landscaping, in addition to the remaining setback of 1.65 metres from the street line, will help to minimize the visual impact of the stairs on the streetscape.

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 below grade stairs shall be generally located and constructed in accordance with the site plan, prepared by Noble Prime Solutions Ltc, date stamped by Town Zoning on August 2, 2023;
2. That landscaping be provided along the below grade entrance to screen the entrance from the street;
3. That a building permit application be obtained within two (2) years from the date of this decision; and
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.

**Natalie Stopar**

Natalie Stopar, MCIP, RPP  
Planner, Development Review

August 23, 2023