



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-083 1115 Rutledge Way

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variance to Zoning By-law 144/-2003 as amended, has been requested to permit:

- To allow the maximum gross floor area to be 63.8 square metres, a difference of + 23.8 metres

The subject property is known municipally as 1115 Rutledge Way and located on the east side of Rutledge Way towards the corner of Purdy Drive. The subject property contains a single-detached dwelling with an attached garage and in-ground swimming pool. Surrounding uses are rural residential uses. The applicant is proposing to construct an open-air accessory structure in the rear yard.

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

The subject property is designated Hamlet on Schedule A-Land Use Plan of the Town of Milton Official Plan and the Hamlet of Moffat Secondary Plan (C.5). Uses such as single detached dwellings on existing lots, accessory structures, cottage industries and home occupations are permitted within the Hamlet designation.

Zoning:

The subject lands are zoned Residential Village (RV) under Section 10 of the Comprehensive Zoning By-law 144-2003 as amended. In this zone, residential uses are permitted in the form of a single detached dwelling as well as accessory structures.

Section 4.1.1.1.1 Table 4A of the Zoning By-law states that the maximum permitted aggregated gross floor area for accessory buildings and structures is 40 square metres. The applicant is requesting permission to allow the maximum permitted aggregated gross floor area to be 63.8 square metres, a difference of +23.8 square metres, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on October 12, 2023. As of the writing of this report on October 18, 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 applicant has requested a minor variance to facilitate the construction of an accessory structure (cabana) in the rear yard of the subject lands. The accessory structure is intended to provide private covered outdoor space for the homeowner.

The applicant is requesting permission to allow the maximum permitted aggregated gross floor area to be 63.8 square metres, a difference of +23.8 square metres, to facilitate the proposal.

In consideration of the proposed increase in gross floor area, Planning staff do not anticipate that the increase in size will cause a negative impact on surrounding property owners. The proposed structure, although in excess of their maximum gross floor area, meets all remaining zoning provisions including height and setbacks. In addition, Development Engineering Staff have reviewed the proposal and have no concerns.

Planning staff have reviewed the requested variance and offer no objection to its approval. Planning staff are of the opinion that the requested variances are 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 subject property.

Recommendation:

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

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Waddell Engineering Ltd. date stamped by Town Zoning on September 15, 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.

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October 18, 2023