



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: July 25, 2024

File No: A24-029/M

Subject: 257 Kingsleigh Court

Recommendation: THAT the application for minor variance **BE APPROVED SUBJECT TO THE FOLLOWING CONDITION:**

1. That a Stormwater Management Brief be provided, to the satisfaction of Development Engineering, prior to Building Permit issuance.
2. That a Building Permit be obtained within two (2) years from the date of this decision; and,
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.

General Description of Application

Under Section 45(1) of the Planning Act, the following minor variances to Zoning By-law 144-2003, as amended, have been requested to:

- To permit a lot coverage of 35.6% for a lot with an area less than 660 square metres, whereas the maximum permitted lot coverage on such a lot is 31.5%.
- To permit a maximum building height of 9.42 metres, whereas the maximum permitted height is 9.0 metres.

The subject property is municipally known as 257 Kingsleigh Court and is generally located east of the intersection of Martin Street and Steeles Avenue East. Surrounding uses include single-detached dwellings as well as a park abutting the exterior side and rear yards.

The subject lands currently contain a single detached dwelling with a small shed located in the rear yard. The applicant is proposing to construct a detached dwelling with an attached garage.

Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is designated as Residential Area on Schedule B - Urban Area Land Use Plan within the Town of Milton Official Plan. This designation establishes that the primary use of land shall be a mix of low, medium and high density residential development. A variety of medium and high density residential uses are permitted.



Official Plan Designation (including any applicable Secondary Plan designations)

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 zone Site Specific Residential Low Density II Zone (RLD2*299) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD2*299 zone permits a variety of residential uses, including detached and semi-detached dwellings.

Section 6.2, Table 6B-1(I) of the Zoning By-law permits a maximum lot coverage of 31.5% for lots with area less than 660 square metres. The lot coverage calculation includes the area of the single detached dwelling and attached garage as well as the covered porches. The applicant is requesting an increased maximum lot coverage of 35.6% (an increase of 4.1%) to accommodate the new dwelling, attached garage and covered porches.

Section 6.2, Footnote *8 of the Zoning By-law permits a maximum building height of 9 metres. The height calculation is measured from the established grade to peak of roof. The applicant is requesting an increased maximum height of 9.42 metres (an increase of 0.42 metres).

The proposed addition to the second floor complies with all other performance standards in the Zoning By-law.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on July 10th, 2024. As of the writing of this report on July 17th, 2024, staff have not received any comments from members of the public.

Agency Comments

Development Engineering

Development Engineering requested a Stormwater Management Brief at the time of building permit. Should the Committee of Adjustment approve this application, a condition has been added requiring that the Stormwater Management Brief be provided.

Development Services Comments

In order for a permit to be issued to construct the proposed dwelling, all relevant Zoning By-law provisions must be met, including a maximum lot coverage of 31.5% and maximum height of 9 metres. The applicant is requesting relief from the above-noted provisions by seeking an increased lot coverage of 35.6% and maximum height of 9.42 metres.



Consultation

Planning Staff is of the opinion that the increase in lot coverage is minor in nature and will not pose a significant impact to neighboring properties. Further, the additional lot coverage does not result in over development and any impact as a result of the lot coverage is negligible in comparison to what is permitted as-of-right. Development Engineering did not have any objections to the application, however they have requested a Stormwater Management Brief for the increased lot coverage to ensure that the proposed dwelling will not create drainage concerns on the subject property or those adjacent. They have also noted that a curb cut entrance permit is required before construction begins.

Planning Staff is of the opinion that the increase in overall height for the proposed dwelling is minor in nature and will not impact the sightlines of adjacent landowners nor neighborhood facade. The dwelling's proposed height reduces towards the rear of the lot which creates a desirable transition and negates visual impact on the adjacent parkland.

Urban Design Staff have reviewed the proposal and are satisfied that it maintains the intent of the Zoning By-law. Further, the proposal represents a positive contribution to the neighborhood and maintains the findings of the Mature Neighborhood Study.

Planning Staff have reviewed the request to allow an increase in lot coverage and maximum height and offer no objection to the proposed variance approval. Planning Staff is of the opinion that the relief being requested is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and conforms to the Official Plan.

Respectfully submitted,

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