



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: August 22, 2024

File No: A24-030M

Subject: 1276 Robson Crescent

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

1. That prior to Building Permit issuance, the applicant provide downspout locations on the structure, to the satisfaction of Development Engineering;
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 variance to Zoning By-law 016-2014, as amended, has been requested to:

- Permit a setback of 0.35 metres from the rear lot line to the accessory structure, whereas the Zoning By-law requires a minimum of 0.60 metres.
- Permit a setback of 0.35 metres from exterior side lot line to the accessory structure, whereas the Zoning By-law requires a minimum of 0.60 metres.
- Permit an accessory structure with a total gross floor area of 12.12 square metres, whereas the Zoning By-law permits a maximum of 10 square metres.

The subject property is municipally known as 1276 Robson Crescent and is generally located east of the intersection of Thompson Road South and Derry Road. The subject property contains a semi-detached dwelling with an attached garage. Surrounding land use is primarily residential, comprised of semi-detached dwelling units.

The applicant is proposing to construct an accessory structure in the back yard of the property. The Zoning By-law requires that accessory buildings have a maximum gross floor area of 10 square metres on properties zoned RMD1. The applicant is seeking relief from the Zoning By-law to permit a maximum gross floor area of 12.12 square metres. Accessory structures are also required to have setbacks of 0.60 metres. The applicant is seeking relief from the Zoning By-law to permit a setback from both the rear and exterior side lot lines.



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 and is further designated as a Residential Area within the Bristol Survey Secondary 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.

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 Medium Density Residential 1 * 220 (RMD1*220) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1 zone permits a variety of residential uses.

Section 4.2.1 Table 4A of the Zoning By-law permits a maximum Total Gross Floor Area of Accessory Buildings and Structures in the RMD1 zone to be 10 square metres. This section further establishes the requirement for a 0.6 metre setback from both the rear and in exterior side lot line. The applicant is seeking relief to allow for an accessory structure to have a total gross floor area of 12.12 square metres. Further the applicant is requesting relief to allow a 0.35 metre setback to the accessory structure from both the exterior side and rear lot lines.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on August 12th, 2024. As of the writing of this report on August 14th, 2024, Planning Staff have not received any comments from members of the public.

Agency Comments

Development Engineering

Development Engineering has reviewed the application and has no objection to the application. However, they have requested that the location of downspouts be indicated (if any), on the plans at time of permit.

Development Services Comments

The accessory structure is a small garden shed that will be primarily used as storage. In order for a Building Permit to be issued to construct the proposed accessory structure, all relevant Zoning By-law provisions must be met, including the maximum size of 10 square metres and a minimum 0.6 metre setback requirement from both the rear and exterior side lot lines. The applicant is



Consultation

requesting permission to increase the size of the accessory structure by 2.12 square metres and allow for a reduction to the above noted setbacks by 0.25 metres.

The additional gross floor area being requested is minor in nature - the proposed 2.12 square metres does not result in overdevelopment of the lot and the accessory structure will remain clearly secondary to the principle dwelling. Despite the presence of the structure, there will still be ample amenity space in the rear yard.

Planning Staff have conferred with Development Engineering Staff regarding the reduced setbacks as this warrants additional review from a drainage and stormwater run-off perspective. Development Engineering did confirm that due to the sheds location, the reduced setbacks were supportable by Staff and did not pose a concern as the run-off can be accommodated on site and is directly adjacent to the public boulevard located at the exterior side yard. Development Engineering Staff did request that at the time of permit the applicant must provide the location of downspouts, if any.

Based on the aforementioned, Planning Staff has no objection to the proposal, subject to the conditions set-out above being fulfilled. Therefore, the variance 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,
Madison Polidoro

Planner, Development Review

For questions, please contact: Madison.Polidoro@Milton.ca Phone: Ext. 2311