



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: August 22, 2024

File No: A24-034M

Subject: 1316 Britton Crescent

Recommendation: THAT the application for minor variance **BE DENIED**.

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:

- Requesting permission to allow for the rear yard setback to be 1.21 metres, whereas the Zoning By-law requires a minimum of 3 metres.

The subject property is known municipally as 1316 Britton Crescent and is generally located south east of the intersection of Louis St. Laurent Avenue and Regional Road 25. At this time, the subject property contains a single-detached dwelling with an attached garage. The applicant is proposing to build a rear porch/veranda (patio cover on top of an existing concrete slab) in the rear yard.

Planning Staff had conversations with the agent on file to discuss the proposed development during the pre-submission process. Planning Staff encouraged the agent to increase the rear yard setback. The agent conferred with the applicants and have decided to proceed with the original request of a reduced rear yard setback of 1.21 metres.

Official Plan Designation (including any applicable Secondary Plan designations)

The subject property is designated Residential Area on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan and is further designated Residential Area within the Boyne Survey Secondary Plan. These designations establish 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.

There are a number of sections of the Official Plan that speak to ensuring that development maintains appropriate setbacks and buffering. The Boyne Survey Secondary Plan, has several policies that further speak to the importance of maintaining appropriate setbacks in the residential area.



Official Plan Designation (including any applicable Secondary Plan designations)

It is Staff's opinion that the proposal is not in conformity with the Town of Milton Official Plan. The proposed reduction in the rear yard setback does not align with the policies of the Official Plan and is not sympathetic to neighbouring lots.

Zoning

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1*220) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*220 zone permits a variety of residential uses, including detached and townhouse dwellings.

Section 4.19.5 i), Table 4H of the Zoning By-law requires a rear yard setback of 3 metres. The proposed structure encroaches in to the rear yard setback, leaving a setback of 1.21 metres.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on August 7th, 2024. As of the writing of this report on August 14th, 2024, 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 Services Comments

The applicant has requested a minor variance to facilitate the construction of a proposed porch/veranda. The subject property currently contains a single detached dwelling and an accessory structure.

As noted above, Town Staff met with the agent to discuss the proposed development and expressed concerns regarding the requested variance given the size and scale of the proposed structure in context of the rear yard. Since then, the applicant has elected to proceed with their proposal, despite Planning Staff's concerns and position that the request did not maintain the four-tests of a minor variance.

The proposed reduction to the rear yard setback is not minor in nature nor does it align with the general intent of the Official Plan or Zoning By-law. The intent of this provision is to ensure that there is an adequate setback to protect for access throughout the lot, ensure rear yard amenity space and to minimize impacts on adjacent lands.

Planning Staff is of the opinion that the scale of the proposed porch is too large for the lot - specifically the size of the rear yard - and would be considered over-development. Minimal amenity space would be provided in the rear yard should the proposed structure be constructed. Further, the reduced setback is not desirable for the use of the subject property and will have adverse impacts on neighbouring properties by way of privacy and sightlines.



The Corporation of the Town of Milton

File #:
A24-034M
Page 3 of 3

Consultation

Planning Staff have reviewed the requested variance and recommend that the file be refused. Planning Staff is of the opinion that the requested variance is not minor in nature, does not conform to the general intent of the Official Plan and Zoning By-law and is not desirable for the development and use of the subject property.

Respectfully submitted,
Madison Polidoro
Planner, Development Review

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