



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: August 22, 2024

File No: A24-035M

Subject: 399 Bell Street

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

1. That a building permit application be obtained within two (2) years from the date of this decision;
2. 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.
3. That a Detailed Grading Plan and a Stormwater Management brief be provided, to the satisfaction of Town Engineering Staff, at the time of building permit

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 the lot coverage on a property to be 30%, whereas the Zoning By-law permits a maximum of 25% lot coverage where the lot coverage is between 660 and 830 square metres.

The subject property is known municipally as 399 Bell Street and is generally located north-west of the intersection at Derry Road and Ontario Street South. The subject property contains a single detached dwelling and a detached accessory structure. Surrounding uses are primarily residential, including single-detached dwellings.

The applicant is proposing to demolish the existing dwelling and accessory structure and construct a new 2-storey dwelling with a covered porch as well as a pool and cabana in the rear yard. The Zoning By-law requires that a maximum of 25% lot coverage is permitted on lots with a lot area between 660 and 830 square metres. The applicant is seeking relief to the Zoning By-law to permit a maximum lot coverage of 30%.

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



Official Plan Designation (including any applicable Secondary Plan designations)

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 Site Specific Residential Low Density III (RLD3*300) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD3*300 zone permits a variety of residential uses, including a detached and semi-detached dwellings.

Section 6.2, Table 6B-1(I) of the Zoning By-law permits a maximum lot coverage of 25% for lots with an area between 660 and 830 square metres. The lot coverage calculation includes the existing dwelling and garage as well as the proposed extension and proposed porch. The applicant is requesting an increase in the maximum lot coverage to 30% (an increase of 5%) to accommodate the proposed extension and porch.

Foregoing the provision-noted above, the proposal complies with all other provisions in the Zoning By-law.

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

Development Engineering

Please be advised that Development Engineering reviewed the above noted application to increase in lot coverage for proposed storey dwelling.

Please be further advised that Development Engineering has no objection to the approval of this application; however, the Owner must acknowledge and agree that at time of Building Permit, Development Engineering will require the following information:

1. Stormwater Management Brief/Memo outlining what SWM measures will be installed to mitigate the impact of the added impervious surface, how they will function, and why they are appropriate for the site. The memo should be reviewed and stamped by a Professional Engineer. Please include any details of the SWM measure.
2. A curb cut entrance permit is required before construction begins.
3. Ensure no additional runoff to the park.
4. Display service connection on the grading plan.

Consultation

5. Sump and downspout locations.
6. Swale locations, directions and slopes.
7. Add a note indicating whether exporting or importing material.

Development Services Comments

Through this application, the owners are proposing a new two-storey single-detached dwelling with an attached garage, swimming pool to the rear and an accessory structure. The dwelling will include an elevator and other accessible features to accommodate the owners' personal family needs.

The applicant has requested a minor variance to increase the maximum lot coverage to 30%, whereas 25% is permitted. The requested relief is to accommodate the inclusion of various accessibility elements and a secondary furnace within the dwelling. Existing mature tree coverage to the rear and east minimize any impact the two storey dwelling may have on adjacent properties. Further, to the rear of the property is parkland that Planning Staff feel will not be impacted by the proposed development.

Planning Staff is of the opinion that the increase in lot coverage is minor in nature and will not pose a significant impact to neighbouring properties. With the exception of lot coverage, the proposed as-of-right dwelling is respective of setback provisions, maximum height provisions and all other zoning provisions. The dwelling will not exceed what Planning Staff feel is an appropriate level of development on the subject property. Further to, the requested variance is minor as the additional area to be developed (to accommodate additional lot coverage) is not considered a significant increase beyond the dwelling currently existing.

While not contemplated through the application of the four tests of a minor variance, Planning and Urban Design Staff were consulted prior to submission to ensure the proposal maintained the intent of the Mature Neighbourhood Study. Through the original review, the applicant revised the proposal to minimize the required variances (i.e. adjusting height to comply with the Zoning By-law) and modified the design to reduce the impact of the dwelling on the surrounding neighbourhood. Urban Design Staff noted that while the proposed dwelling introduces increased lot coverage, it is compensated with a design that strives to minimize the overall perception of the dwelling in terms of façade and be sensitive in its contribution to maintaining the neighbourhood character.

Development Engineering did not have any objection to the application, however did request a detailed Grading Plan demonstrating the location of downspouts as well as swale location, direction, and slopes. Further Development Engineering requested a Stormwater Management Brief due to the increase in lot coverage to assure the proposed addition will allow for proper



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drainage that is contained to the site. All plans requested by Development Engineering Staff, must be provided prior to Building Permit issuance, as recommended through the conditions of approval.

Based on the aforementioned, Planning Staff offer no objection to the variance being requested. 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,
Madison Polidoro
Planner, Development Review

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