



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: September 26, 2024

File No: A-24-040

Subject: 104 MacDonald Crescent

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

1. That a Detailed Grading Plan 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 variance to Zoning By-law 016-2014, as amended, has been requested to permit:

- Requesting permission to permit a rear yard setback of 3.99 metres, whereas the minimum required rear yard setback is 7.5 metres.

The subject property is known municipally as 104 MacDonald Crescent and is generally located northwest of the intersection of Ontario Street and Main Street East. Surrounding uses are primarily residential and are mainly comprised of single detached dwellings.

The subject lands currently contain a two-storey single detached dwelling with an attached garage. The applicant is proposing to construct an attached sunroom, measuring 26.48 square metres, in the rear yard. There are no other variances required to facilitate this application.

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. The 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.



Zoning

The subject lands are zoned Low Density Residential Zone 6 (RLD6) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD6 zone permits a variety of residential uses, including detached and semi-detached dwellings.

Section 6.2 Table 6B-2 of the Zoning By-law requires a minimum 7.5 metre rear yard setback. Due to the shape of the lot, the sunroom creates a pinch point of 3.99 metres.

The subject lands are zoned

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on September 10th, 2024. As of the writing of this report on September 18th, 2024, staff have not received any comments from members of the public.

Agency Consultation

Development Engineering

Development Engineering will require the following information:

- 1) The Owner agrees to provide a Detailed Grading Plan at the time Building Permit application for construction of the new residence complete with the following items;
 - a) Downspout locations;
 - b) Existing and proposed elevations for the interior property;
 - c) Swale locations, direction and slopes;

Development Services Comments

The applicant has requested a minor variance to reduce the rear yard setback from the required 7.5 metres to 3.99 metres in order to facilitate the construction of an attached sunroom.

Planning Staff is of the opinion that the variance is minor in nature and is suitable for the lot considering the reduced setback is largely due to the configuration of the property. There is a pinch point created by the sunroom and therefore the reduced setback does not extend to the entirety of the rear yard. The addition will also be significantly screened by existing trees.

It is important to note that both side yard setbacks are being maintained and accessibility for fire and life safety personnel should not be a concern. The Town of Milton Fire Department was circulated on the application and they had no objection to the Minor Variance Application. Notably, the application was also circulated to Development Engineering. Town Engineering Staff did not have any objections to the variance but did request that a Detailed Grading Plan be provided at the time of permit.



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Consultation

The addition of the sunroom, nor the reduced rear yard setback, will not result in overdevelopment of the property, will not impact the personal enjoyment of the lands or any neighbouring property and will not be of detrimental impact to the lands, the street or surrounding area. Therefore, Planning Staff offer no objections to the approval of this application and believe the application conforms to the four tests: it is desirable for the appropriate development of the lands, the application is minor in nature, it conforms to the intent of the Official Plan and it conforms to the intent of the Zoning By-law.

Respectfully submitted,
Madison Polidoro
Planner, Development Review

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

Attachments

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