



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Madison Polidoro

Date: October 24, 2024

File No: A24-047/M

Subject: 467 Violet Gate

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

1. That a Building Permit be obtained within two (2) years from the date of this decision; and,
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.

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:

- Allow a width of a parking space on a residential driveway to be 2.52 metres, whereas the Zoning By-law requires 2.75 metres (a reduction of -0.23 metres).
- Permit an air conditioning (AC) unit to be setback 0.46 metres, whereas the Zoning By-law requires a minimum of 0.60 metres from the interior lot line.

The subject property is known municipally as 467 Violet Gate and is generally located north of the intersection of Tremaine Road North and Britannia Road. The subject property contains a single-detached dwelling with an attached garage. Surrounding land uses are residential and is primarily comprised of single-detached dwellings.

Updated Additional Residential Units (ARU) provisions were approved by Town Council on June 3rd. As per the transition clause included in the amendment, minor variance applications that have an associated building permit in cursory review before June 3rd, 2024 may proceed under either the previous provisions or new ARU provisions. The owners of 467 Violet Gate applied for a building permit prior to June 3rd and therefore have elected to proceed under the previous zoning provisions.

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 Residential Area within the Boyne Survey Secondary Plan. This designation establishes that the primary use of land shall be a mix of low, medium and high density residential development.

Additional Residential Units (ARUs) are permitted within the Residential Area, subject to criteria set out in Section 2.7.3.17:

- a) An ARU shall not be located on lands identified as hazard lands or as being within the regulatory flood plain, unless where specifically permitted by the Conservation Authority;
- b) An ARU will be compatible with neighbouring properties and the surrounding neighbourhood by taking into consideration scale and built form;
- c) An ARU must be connected to adequate municipal water and sewage services;
- d) An ARU must have no adverse effect on stormwater management systems;
- e) An ARU must have no adverse effect on site drainage as demonstrated through a grading plan;
- f) Safe access to an ARU must be ensured by meeting fire and emergency service requirements;
- g) Severance of an ARU from the lot shall not be permitted; and,
- h) An ARU shall be registered with the Town in accordance with the provisions of the Municipal Act.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, including the ARU provisions, and Boyne Survey Secondary Plan.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

Zoning

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1*269) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*269 zone permits a variety of residential uses, including detached and townhouse dwellings. The Zoning By-law permits Accessory Dwelling Units (ADUs) in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria

- i) Only 1 accessory dwelling unit shall be permitted per lot and shall be located within the main dwelling unit;
- ii) A minimum of 1 parking space per accessory dwelling unit is provided in addition to the required parking for the main dwelling unit;
- iii) The dwelling must be on full municipal water and wastewater services; and,
- iv) The accessory dwelling unit shall not exceed a maximum size of 85 square metres.

Zoning Staff have confirmed that, with the exception of provision ii), the above noted criteria has been satisfied.

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting

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permission to allow a minimum size of a parking space on a residential driveway to be a width of 2.52 metres, a difference of -0.23 metres per parking space, to facilitate the proposal.

Further, Section 4.6.1 i) requires an AC unit to be setback a minimum of 0.60 metres. The applicant is seeking a variance in order to permit an AC unit to be setback 0.46 metres.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the Planning Act on October 9th, 2024. As of the writing of this report on October 17th, 2024, staff have not received any comments from members of the public.

Agency Consultation

Development Engineering

Development Engineering has no objection to the application, however, extra caution is required when digging out the window wells within the easement. Hand digging will be required around the rear lot catch basin (RLCB). Additionally, we require confirmation that no insulation will be required over the RLCB lead.

Development Services Comments

The applicant has requested a minor variance to facilitate the creation of the ARU within the basement of the existing dwelling. To access the unit, an entrance is proposed in the rear yard.

The applicant is requesting permission to reduce the size of a parking space by 0.23 metres. The intent of the required parking dimensions set-out in the Zoning By-law is to ensure that vehicles be parked wholly on a private property without overhang onto the municipal right-of-way, while remaining accessible for the passengers. The applicant has demonstrated, via photos, that two cars can be adequately be parked in the driveway, along with the garage. As such, Planning Staff is satisfied in this regard.

The applicant is also requesting for an air conditioning unit to encroach in the interior side yard. The requirement is for an AC unit to be setback 0.60 metres. The applicant is requesting relief to this provision in order to allow the interior side yard setback of 0.46 metres. The alternate side yard is to remain unobstructed.

Based on the above, the proposed development is appropriate for the efficient use of the land by providing an additional residential unit which contributes to housing affordability, will not result in overdevelopment of the property, will not impact the personal enjoyment of the lands or any neighboring 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



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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

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For questions, please contact:

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