



The Corporation of the Town of Milton

Report To: Committee of Adjustment and Consent

From: Development Services

Date: September 26, 2024

File No: A24-041M

Subject: 1278 Muskoka Heights

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 permit:

- Requesting permission to allow the width of a parking space on a residential driveway to be 2.55 metres, whereas the Zoning By-law requires 2.75 metres (a reduction of -0.20 metres)
- Requesting permission to allow a reduction of the interior side yard setback to 0.29 metres, whereas the Zoning By-law requires a minimum of 0.60 metres (a reduction of -0.30 metres)

The subject property is known municipally as 1278 Muskoka Heights and is generally located south of the intersection of Louis St. Laurent Avenue and James Snow Parkway South. The subject property contains a single detached dwelling with an attached garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings. The applicant is proposing to construct an Additional Residential Unit (ARU). In order to permit the ARU, the Zoning By-law requires a minimum of three parking spaces. The applicant is proposing to provide one parking space in the garage and two parking spaces on the driveway.

Updated 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 1278 Muskoka Heights 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. A variety of medium density residential area, subject to the following criteria as set out in Section 3.2.3.9,

- the use shall be located in an existing single detached, semi-detached, row houses, and in accessory structures where adequate municipal piped water and wastewater services are available and connected;
- b) the site is accessible to public transit;
- c) there will be no significant changes to the external character of the building or property;
- d) all of the requirements of the Zoning By-law, including the provision of adequate parking, of the Ontario Building Code, of the Property Standards By-law and other relevant municipal and provincial regulations are satisfied; and
- e) the existing dwelling is not within the Regulatory Flood Plain.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan and Boyne Survey Secondary Plan. The proposed additional dwelling unit is located within an existing single detached dwelling on full municipal services. There are no significant changes proposed to the external character of the building or property are being proposed.

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*315) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*315 zone permits a variety of residential uses, including detached and townhouse dwellings. The By-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following

- 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 m².

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



Zoning

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 permission to allow a minimum size of a parking space on a residential driveway to have a width of 2.55 metres.

Section 6.2 Table 6C requires that a minimum interior side yard setback of 1.2 metres on one side and 0.6 metres on the alternate shall be provided. Based on the proposed location of the side yard entrance, the applicant is seeking to reduce the interior side yard setback in the affected yard to be 0.29 metres. The alternate side yard maintains a 1.2 metre unobstructed path of travel.

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

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 creation of an ARU within the basement of the existing dwelling. To access the unit, an entrance is proposed in the interior side yard.

The applicant is requesting permission to reduce the size of a parking space by 0.20 metres. The intent of the required parking dimensions set-out in the Zoning By-law is to ensure that vehicles can 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 adequately be parked in the driveway, along with the garage. As such, Planning Staff is satisfied in this regard.

The applicant is also requesting relief to the provision of a minimum interior side yard setback of 0.60 metres. The entrance to the ADU will be located within the interior side yard and will require a stair, causing the reduced side yard. Planning Staff do not have any objection to the proposed entrance and stair in the side yard so long as an unobstructed path of travel remains available to the entrance for fire and life safety personnel. Similarly, the alternate side yard is to remain unobstructed and accessible in order to access the rear yard.

Planning Staff acknowledges the comments from Milton Fire, however, the setback is unobstructed to the point of access. Further, the alternate side yard will act as a 1.2 metre unobstructed path of travel to the rear yard.



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File #:
A24-041M
Page 4 of 4

Consultation

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 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