



Memorandum to Committee of Adjustment Members

Minor Variance Application: A2-22/037/M (934 Logan Drive)

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 016-2014, as amended, has been requested to permit a secondary dwelling unit:

1. Requesting permission to allow a landing to encroach into the minimum required interior side yard with a minimum setback of 0.56 metres (a difference of - 0.04 metres); and
2. Requesting permission to allow a decrease in the width of two parking spaces on a residential driveway with a minimum width of 2.56 metres (a difference of - 0.19 metres) per parking space.

The subject property is known municipally as 934 Logan Drive. It is located on the north side of Hickory Crescent and east of Sycamore Garden. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings.

The applicant is proposing to construct a basement accessory apartment. In order to permit the basement apartment, 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.

Official Plan Designation (including any applicable Secondary Plan designations):

Within the Official Plan, the subject property is designated Residential Area. 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 and high density residential uses are permitted. Second Residential Units are permitted, subject to the following criteria as set out in Section 3.2.3.9:

- a) 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. The proposed accessory dwelling unit is located within an existing single detached dwelling on full municipal services. The subject lands are located in close proximity to municipal transit and no significant changes to the external character of the building or property are being proposed.

Zoning:

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1*264) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*264 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 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 m².

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

Variance 1 - Interior Side Yard Setback

Section 4.19.5 i) Table 4H of the Zoning by-law states that stairs and landings above grade are not permitted to encroach into a minimum required interior side yard. The applicant is requesting permission to allow a landing to encroach into the minimum required interior side yard with a minimum setback of 0.56 metres from the side, a difference of -0.04 metres, to facilitate the proposed development.

Variance 2 - Driveway Reduction

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 2 parking spaces on a residential driveway with a minimum width of 2.56 metres, a difference of - 0.19 metres), to facilitate the proposed development.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on May 11, 2022. As of the writing of this report on May 19, 2022, 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. It's noted that a building permit must be received prior to commencing construction of the accessory dwelling unit.

Planning and Development Department Comments:

The applicant has requested two minor variances to facilitate the construction of an accessory apartment in the basement of an existing single detached dwelling, at the above-noted address. In order for a permit to be issued to construct an accessory apartment, all relevant zoning by-law provisions must be met, including the provision of one parking space, in addition to the two parking spaces required for the primary dwelling unit.

Variance 1 - Interior Side Yard Setback

The applicant is requesting permission to allow a landing to encroach into the minimum required interior side yard with a minimum setback of 0.56 metres from the side, a difference of -0.04 metres, to facilitate the proposed development.

Planning staff worked with the applicant on the proposed location for the side door entrance for the secondary dwelling unit. The applicant was agreeable to shifting the side-door entrance towards the rear yard which provided additional room between the entrance and side yard fence. Further, Planning staff discussed the proposed minor variance with Engineering staff who confirmed that there will be no impacts to the existing drainage and swales are able to function as intended. Engineering staff confirmed that the proposed interior side yard setback is sufficient and planning staff have no concerns with the proposed minor variance.

Variance 2 - Driveway Reduction

The applicant is requesting permission to reduce the size of a parking size by 0.19 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces. The minimum width cannot be accommodated on site because of an architectural pillar that exists.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles. It should also be noted that the accessory apartment will be accessed through an entrance in the side yard and the external character of the single-detached dwelling will not be negatively impacted. Further, Planning Staff note that a minor variance was not required for the proposed entrance

Planning Staff have reviewed the request to reduce the size of the parking space and recognize the minimum interior side yard setback and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, the owner has provided photographs that demonstrate the vehicles can adequately park wholly on the existing driveway and access to the interior of the vehicles can be achieved. In regards to the interior side yard setback, Town staff are of the opinion that the proposed interior side yard will not negatively impact the neighbouring property.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding 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.

Recommendation:

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

1. That the side-door entrance and secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by SHAFE Inc., date stamped by Town Zoning on April 28, 2022.
2. That a building permit application be obtained within two (2) years from the date of this decision.
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.

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