



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-22/036/M (1125 Durno Court, Milton)

#### 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 two parking spaces on a residential driveway to have a width of 2.60 meters, whereas 2.72 metres is required (difference of 0.15 meters per space).

The subject property is known municipally as 1125 Durno Court and is legally described as Lot 134 on Registered Plan 20M-1125.

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

The subject property is designated as Residential on Schedule B - Urban Land Use Plan in the Town of Milton Official Plan and further designated as XX in the Sherwood Survey Secondary Plan.

The Residential designation establishes that the primary use of land shall be a mix of low, medium and high density residential development. 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.

Planning staff are of the opinion that the proposal is in conformity with the Town of Milton Official Plan and Sherwood Survey Secondary Plan as adequate parking will not be provided on site in accordance with the provisions of the Zoning By-law.

#### Zoning:

The subject lands are zoned as special Residential Medium Density I (RMD1\*150). The RMD1 zone permits a variety of residential uses, including detached, semi-detached,

townhouse and duplex dwellings. It should be noted that the site specific zoning provisions have no bearing on the minor variance application.

The Zoning 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 85m<sup>2</sup>.

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

Section 5.6.2 I) requires that the minimum size for a parking space shall be 2.75 m wide by 5.5 m in length. To accommodate two parking spaces on the driveway, the applicant has requested a reduction in the minimum parking space width to 2.60 metres. It should be noted that the length of each parking space meets current zoning permission.

## **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.

## **Planning and Development Department Comments:**

The Applicant has requested a minor variance 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.

The Applicant is requesting permission to reduce the size of a parking size by 0.15 meters 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.

Planning and Building Staff have no concerns with the proposed side door entrance and no minor variance is required for this entrance as it does not need a landing. The entrance is located within the interior side yard with the greatest setback, such that there are not anticipated concerns with trespassing on adjacent properties or snow storage.

Planning Staff have reviewed the request to reduce the size of the parking space and offer no objection to its approval. 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. 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 basement apartment shall be located and constructed in accordance with the site plan and building elevations, prepared by Shivang Tarika, date stamped by Town Zoning on April 26, 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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