



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A-22/079/M - 815 Whitlock Avenue

#### General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 016-2014, as amended, have been requested to:

- Permit two parking spaces to be a minimum of 2.54 metres wide by 5.5 metres long, whereas a parking space is required to be a minimum of 2.75 metres wide by 5.5 metres long (a decrease in the width by 0.21 metres for each space).

The subject property is known municipally as 815 Whitlock Avenue and is legally described as Lot 142 on Registered Plan 20M1227. The property is located on the north side of Whitlock Avenue to the east of Walnut Landing, in a low density residential neighbourhood.

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 within the garage and two parking spaces on the driveway. As the existing driveway is not wide enough to accommodate two full-sized parking spaces as per the Zoning By-law, the applicant has requested a minor variance to reduce the minimum width of both 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. 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 second 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. Outside of the requested minor variance for the reduction in the width of the driveway parking spaces, all other requirements of the Zoning By-law are satisfied. A Building Permit will be required and the subject lands are not located within the Regulatory Flood Plain.

### **Zoning:**

The subject lands are zoned Residential Medium Density 1 (RMD1) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1 zone permits a variety of residential uses, including detached, semi-detached, townhouse and duplex 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 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) of the Zoning By-law requires that the minimum size of a required parking space on a Residential Driveway shall be 2.75 metres wide by 5.5 metres in length. To accommodate two parking spaces on the driveway, the applicant has requested a reduction in the minimum parking space width to 2.54 metres (a reduction of 0.21 metres) for both parking spaces.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, October 14, 2022. As of the writing of this report on, October 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 is seeking to construct an accessory dwelling unit within the basement of an existing detached dwelling. As required by the Zoning By-law, in order to accommodate the accessory apartment a minimum of 3 parking spaces must be provided (2 parking spaces for the main dwelling unit and 1 additional space for the accessory dwelling unit). Currently, two parking spaces are provided in accordance with the Zoning

By-law, with one space located in the garage and one space located on the driveway. As such, the applicant is seeking to reduce the minimum width of two parking spaces on the driveway, in order to provide an additional parking space. Specifically, both parking spaces are proposed to be a minimum of 2.54 metres wide whereas a minimum width of 2.75 metres wide is currently required (a reduction of 0.21 metres per space). Both parking spaces will comply with the minimum parking stall length required of 5.5 metres.

The intent of the minimum parking space requirements of the Zoning By-law is to ensure that adequate parking is provided for the residential use and that the parking spaces are accessible and functional. As the additional parking space required for the accessory dwelling unit can be adequately provided on the lands, the intent of the Zoning By-law is being met. The reduced width of 0.21 metres per space is minor in nature and will not significantly impact an owner's ability to enter or exit the vehicles on the driveway.

Based on the foregoing, staff is of the opinion that the requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is appropriate for the development and use of the land.

**Recommendation:**

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

1. That a building permit be obtained for the accessory apartment within two (2) years from the date of this decision.
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.

**Natalie Stopar**

Natalie Stopar, RPP, MCIP  
Planner, Development Review

October 19, 2022