



Memorandum to Committee of Adjustment Members

Minor Variance Application: A22-081/M (1218 Biason Circle)

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:

- Allow the minimum size of two required parking spaces, on a residential driveway, to be 2.56 metres in width, whereas the Zoning By-law requires 2.75 metres in width (reduction of 0.19 metres).
- Allow a landing, accessing a principal building, to encroach into an interior side yard, resulting in an interior side yard setback of 0.34 metres, where as landings are not permitted to encroach into the interior side yard.

The subject property is known municipally as 1218 Biason Circle and is legally described as Lot 71 on Registered Plan 20M-1146. Currently existing on the subject property is a single detached dwelling. Surrounding land uses include residential and commercial uses.

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

The subject property is designated as Residential Office on Schedule B "Urban Land Use Plan" within the Town of Milton Official Plan. This designation permits residential uses (a range of densities), office and accessory local commercial uses.

In accordance with Section 3.2.3.9, the proposed secondary dwelling unit will be located within the existing single-detached dwelling, is accessible to public transit, does not alter the external character of the building, and is located exterior to the Regulatory Flood Plain. The applicant has further demonstrated that adequate functional parking can be supported on-site. The secondary dwelling unit would exemplify a residential use.

Therefore, it is Planning Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended, in respect to the Residential Office designation and Secondary Dwelling Unit policies.

Zoning:

The subject lands are zoned as special Residential Medium Density I * 150 (RMD1*150) within the Town of Milton Urban Zoning By-law 016-2014, as amended. Within this zone, medium density residential uses are supported - including single detached dwellings, semi detached dwellings and duplexes.

Variance One - Parking Reduction:

Section 4.10 of the Zoning By-law requires that one parking space be provided to support the secondary dwelling unit, in addition to the two required spaces that support the primary dwelling.

To accommodate the provision requiring a dedicated parking space, the applicant is seeking a minor variance that would permit a reduction in width of the two parking spaces in the driveway. Section 5.6.2.i) requires that the minimum size of a required parking space on a residential driveway be 2.75 metres in width by 5.5 metres in length. To accommodate two parking spaces on the residential driveway, the applicant is requesting relief to permit a width of 2.56 metres per parking space on the driveway (a reduction of 0.19 metres).

Variance Two - Landing Encroachment:

Section 4.19.5 Table 4H of the Zoning By-law does not permit landings to encroach into the interior side yard. To accommodate the proposed landing, accessing a principal building, the applicant is requesting that a landing be permitted in the interior side yard. As resultant setback of 0.34 metres is proposed.

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 intends to create a secondary dwelling unit. To enable this proposal, relief is required in respect to parking space dimensions and landings located in the side yard.

Variance One - Parking Reduction:

The applicant has requested a minor variance to accommodate a reduction in width of two parking spaces, located on a residential driveway. This relief will allow two parking spaces to be legally established on the driveway and one in the garage, in order to support the creation of a secondary dwelling unit.

The applicant has provided photos demonstrating that two vehicles can park wholly on the privately maintained residential driveway without overhang onto the municipal right-of-way or side yards. Further, each vehicle remains accessible and will not obstruct access to and from the property. As it relates to this variance, there are no physical changes proposed on the property as a result. Further, the requested relief will facilitate the creation of a secondary dwelling unit which contributes to housing availability and affordability.

Variance Two - Landing Encroachment:

The applicant has requested a minor variance to allow a landing to encroach into the interior side yard in order to provide access to the secondary dwelling unit. The proposed landing results in an interior side yard setback of 0.34 metres.

Planning Staff are of the opinion that although this landing encroaches into the side yard, adequate access to the rear yard is maintained as the alternate side yard has an unobstructed setback of 0.65 metres. Further, the landing will not impact sightlines or the neighbouring property owner's privacy. Finally, Development Engineering did not express concerns with the proposed encroachment from a grading and drainage perspective.

Overall, Planning Staff are of the opinion that the variances being requested are minor in nature, appropriate for the development of the subject property, conform to the Official Plan, and maintain the intent of the Zoning By-law. As such, Planning Staff offer no objection to the approval of this minor variance application.

Recommendation:

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

1. That the secondary dwelling unit shall be located and constructed in accordance with the site plan and building elevations, prepared by Alfa Engineering Solutions, date stamped by Town Zoning on September 12, 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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October 19, 2022