



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/033/M 1010 Vickerman Way

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:

1. A minimum rear yard setback of 3.58 metres, whereas a minimum rear yard setback of 7.0 metres is required (a reduction of 3.42 metres);
2. A residential driveway width of 11.84 metres, whereas a maximum driveway width of 8.0 metres; and
3. A minimum permeable residential landscape surface of 0.23 metres abutting the left side lot line and 0.13 metres abutting the right side lot line, whereas a minimum width of 0.60 metres is required abutting both interior side lot lines.

The subject property is known municipally as 1010 Vickerman Way and is legally described as Lot 11 on Registered Plan 20M985. The property is located on the south-east side of Vickerman Way, and currently contains a single detached dwelling with a large paved driveway. Surrounding land uses include low density residential lots and a public park and trail to the rear of the property.

The applicant is proposing to construct a 1 storey sunroom addition in the rear yard and has requested a reduction in the minimum required rear yard setback to accommodate the addition. Through the minor variance application review, the applicant was notified that the existing driveway is not in compliance with the Town of Milton Zoning By-law. The applicant is therefore requesting additional relief from the maximum driveway width and permeable residential landscape surface provisions of the Zoning By-law to permit the driveway to remain.

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

The subject property is designated "Residential Area" on Scheduled B- Urban Land Use Plan and is further designated "Residential Area" on Schedule C.6.D- Bristol Survey Secondary Plan Land Use Plan. A range of residential uses and accessory uses are permitted within the Residential Area designation.

Zoning:

The subject lands are zoned site-specific Residential Medium Density 1 (RMD1) under Comprehensive Zoning By-law 016-2014, as amended. In this zone, single-detached dwellings and accessory apartments are permitted, so long as all applicable zoning provisions are met.

Variance 1: Rear Yard Setback

Section 6.2, Table 6C of the Zoning By-law requires a minimum rear yard setback of 7.0 metres. The applicant is proposing a rear yard setback of 3.58 metres for the addition (a reduction of 3.42 metres).

Variance 2: Driveway Width

Section 5.6.2 iv) d) E) of the Zoning By-law states that a residential driveway shall not exceed a width of 8.0 metres for lots having a frontage greater than 11.5 metres. The applicant is proposing to retain the existing driveway width of 11.84 metres (an increase of 3.84 metres).

Variance 3: Residential Landscape Surface

Section 5.6.2 vii) a) of the Zoning By-law states that a minimum width of 0.60 metres abutting both side lot lines on interior lots shall only be a permeable residential landscape surface such as grass, trees, shrubs, flowers, river rock, and decorative stone, that permits the infiltration of water into the ground. The applicant is proposing to reduce the residential landscape surface strips to 0.23 metres on the left side lot line and 0.13 metres on the right side lot line.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, May 10, 2023. As of the writing of this report on May 17, 2023, staff have not received any comments from members of the public.

Staff note that the applicant submitted 3 letters of support for the sunroom addition with their application.

Agency Consultation

The following comments were received from Town staff and external agencies:

Community Services (Parks) Comments:

Please be advised Parks and Facility Planning, Community Services has no specific concerns with or comments on the variances requested through the following applications

Note: In accordance with section 2.2 f) of Town By-law 055-2022, conveyance of land for park or other public recreational purposes, or payment in lieu thereof, is not applicable to enlargements to existing dwelling units. Any future development on this property is not to impact the adjacent park block (existing Coates Linear Park at the rear); site works are to be limited to within the private limits of 1010 Vickerman Way.

Development Engineering Comments:

Please be advised that Development Engineering has reviewed the above noted application for a reduction in the minimum required rear yard setback to accommodate a proposed rear sunroom addition and increase in maximum permitted driveway width.

Please be further advised that Development Engineering has no objection to the approval of rear yard setback for the proposed sunroom; however, Development Engineering has objection to the approval residential driveway and hard surfacing.

Please be advised that the driveway shall not exceeding a width of 8.0m for lots having a frontage greater than 11.5m and the area width for the left and right side lot line should maintain a minimum width of 0.45m in order to maintain drainage swales.

Building Division Comments:

- We have no objections from a Building Code perspective to the proposed variance request
- Building permit will be required to construct Sunroom/Addition
- Any comments regarding the proposed construction will be addressed during the plans review process once a building permit application is received

Development Review Comments:

Variance 1: Rear Yard Setback

The applicant is proposing to construct a 1 storey sunroom addition in the rear yard and has requested a reduction in the minimum required rear yard setback to accommodate the addition. A reduction in the rear yard setback from the minimum required 7.0 metres to 3.84 metres has been proposed.

The intent of the minimum rear yard setback is to ensure that there is sufficient rear yard amenity space, that there are no shadow impacts or privacy impacts to adjacent amenity spaces, and to ensure that the property can be maintained.

The subject rear yard at 1010 Vickerman Way abuts the rear yards of 1008 and 1012 Vickerman Way, and a public park and trail to the rear. The proposed addition will be setback 0.86 metres from the interior side lot line of 1008 Vickerman Way and is limited to 1 storey in height.

As the addition backs onto a public park and is proposed to be 1 storey in height, it is not anticipated that the addition will impact the rear yard amenity space of the adjacent lots. Sufficient amenity space will also be provided on the property. To ensure that sufficient privacy is maintained for the adjacent lot at 1008 Vickerman Way however, it is recommended that a condition be added that the North-West side elevation be constructed with a solid wall.

For these reasons, staff do not object to the variance to decrease the rear yard setback.

Variances 2 & 3 Driveway Widening and Permeable Landscape Surface

Through the minor variance application review, the applicant was notified that the existing driveway is not in compliance with the Town of Milton Zoning By-law. The applicant subsequently requested additional relief from the maximum driveway width and permeable residential landscape surface provisions of the Zoning By-law to permit the driveway to remain.

The intent of the maximum driveway width provisions in the Zoning By-law is to limit to limit the surface area in the front yard available for car parking and to ensure that a sufficient amount of landscaping can be provided. The applicant has paved the vast majority of the lot which increases the portion of the front yard available for parking and eliminates all landscaping on the lot.

The intent of the permeable landscaped surface regulation in the Zoning By-law is to provide adequate drainage along the interior side lot lines. The purpose of a swale is to collect, store, and convey surface water drainage towards the municipal right-of-way. The proposed reduction in the landscape surface would no longer accommodate a swale within the side lot line.

The Town of Milton Engineering division confirmed that a minimum 0.60 metre to 0.45 metre landscaped buffer is required within the interior side yard to accommodate a swale for drainage. Engineering staff objected to the variances and recommended that the additional concrete within the side yards be removed.

For these reasons, staff are of the opinion that the requested variances do not meet the general intent of the Zoning By-law, are not minor in nature, and are not appropriate for the development and use of the lands. As such, it is recommended that the minor variances to permit the driveway widening and reduce landscaped surface in the interior side yard be refused.

Recommendation:

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

Variance:

1. To permit a minimum rear yard setback of 3.58 metres, whereas a minimum rear yard setback of 7.0 metres is required.

Conditions:

1. That the sunroom addition shall be located and constructed in accordance with the site plan and building elevations, prepared by CADK, and date stamped by Town Zoning on April 20, 2023.
2. That the North-West side elevation be constructed with a solid wall.
3. That a building permit application be obtained within two (2) years from the date of this decision.
4. 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.
5. That the existing driveway be reduced to comply with the maximum driveway width regulations within the Zoning By-law.
6. That the driveway widening within the interior side yard be removed and the minimum required pervious landscaped surface within the interior side yard be reinstated in accordance with the Zoning By-law.

AND THAT the following minor variances **BE DENIED:**

2. To permit a residential driveway width of 11.84 metres, whereas a maximum driveway width of 8.0 metres; and
3. To permit a minimum permeable residential landscape surface of 0.23 metres abutting the left side lot line and 0.13 metres abutting the right side

lot line, whereas a minimum width of 0.60 metres is required abutting both interior side lot lines.

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May 17, 2023