



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-072M - 741 Scott Boulevard

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:

- Allow a parking space on a residential driveway to have a length of 4.94 metres, whereas the Zoning By-law requires 5.5 metres (a reduction of 0.56 metres).

The subject property is known municipally as 741 Scott Boulevard and is legally described as Lot 175 on 20M-1019. Surrounding land uses primarily include low density residential, including single detached dwellings and townhomes. The subject lands currently contain a single detached dwelling with a one car garage.

The applicant is seeking to construct a secondary dwelling unit in the form of a basement apartment. To comply with the zoning criteria relating to additional dwelling units, the applicant is seeking to reduce the length of one parking space on a residential driveway to establish a third parking space.

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

The subject property is designated as Residential on Schedule B - Urban Land Use Plan on the Town of Milton Official Plan. This designation allows secondary dwelling units, such to the following provisions:

- 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 can be satisfied; and,
- e) the existing dwelling is not within the Regulatory Flood Plain.

The site does not offer adequate parking given the proposed third space is deficient in accordance with provisions of the Zoning By-law. As such, it is Staff's opinion that the proposal is not in conformity with the Town of Milton Official Plan, as amended.

Zoning:

The subject lands are zoned as Residential Medium Density I (RMD1) within the Town of Milton Urban Zoning By-law 016-2014, as amended.

Section 4.10 of the Zoning By-law sets-out the following provisions for secondary/accessory dwelling units:

- 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 waste water services; and,
- iv) The accessory dwelling unit shall not exceed a maximum size of 85 square metres.

To achieve compliance with Section 4.10 (ii), the applicant is seeking the following relief from the Zoning By-law:

Section 5.6.2 i) of the Zoning By-law states 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."* Based on the existing driveway and location of the porch, the applicant is seeking to reduce the required parking space length by 0.56 metres, resulting in a 4.94 metre width for the third space.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 14, 2023. As of the writing of this report on, September 20, 2023, Staff have not received any comments from members of the public.

Agency Consultation

Development Engineering provided comments and objects to the approval of this variance. Staff do not support the parking of a vehicle on the public right-of-way and any vehicle hang-over onto the sidewalk may impact general operations, such as snow removal.

Planning and Development Department Comments:

In an effort to create a secondary dwelling unit, the applicant is seeking to reduce the required length of a parking space by 0.56 metres. The resultant length of the parking space would be 4.94 metres.

The proposed third parking space (located on the driveway extension in front of the porch) would compromise the type of vehicle able to park in the space and possess a significant risk of a vehicle hanging over onto the public right-of-way which will compromise routine maintenance operations, such as snow removal. For context, the average pick-up truck or large SUV is 6.0 metres. Planning Staff are of the opinion that the requested 4.94 metres is not sufficient to accommodate the parking of a vehicle entirely on private property. Further, it restricts the type of vehicle that can functionally park on the site, which restricts potential tenants.

In addition, the proposed siting of the third space creates a safety concern so far as safe access to and from the driveway, given the third vehicle blocks a clear pathway to the front porch.

Based on the aforementioned, Planning Staff do not support the requested relief. The variance is not minor in nature, does not maintain the intent of the Zoning By-law and Official Plan, and is not desirable for the development of the subject lands. Therefore, Planning Staff are recommending that this application be denied.

Recommendation:

THAT the application for minor variance **BE DENIED**.

Rachel Suffern

Rachel Suffern, MPA, M.Sc. (PI)
Planner, Development Review

September 20, 2023