



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A23-062M 933 Maple Avenue

#### 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 a below grade entrance (basement walkout):

- Requesting permission to allow stairs, below grade accessing a principal building to encroach into the required interior side yard 1.02 metres, a difference of -0.18 metres

The subject property is known as 933 Maple Avenue and is located on the corner of Maple Avenue and Thompson Road North. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential as well as commercial uses on the other side of Thompson Road North.

The applicant is proposing to construct a basement apartment, where the entrance to the accessory apartment is located in the exterior side yard. The minor variance is required to permit the below grade stairs in the exterior side yard.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan. This designation permits single detached dwellings and associated accessory structures. Secondary Residential Units are also permitted. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

#### Zoning:

The subject lands are zoned as Residential Low Density Seven (RLD7) with site specific provisions. Single detached dwellings and accessory dwelling units are permitted.

Section 4.19.5 i Table 4H of the Zoning By-law does not permit stairs, below grade accessing a principal building to encroach into an interior side yard. A minimum of 1.2 metres interior side yard is required on one side and 2.4 metres on the other side.

The applicant is requesting permission to allow stairs to encroach into the interior side yard at 1.02 metres, whereas 1.2 metres is required, a difference of -0.18 metres.

#### 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*

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 permit below grade stairs, in the interior side yard. The request has come forward as the homeowner is finishing their basement and their renovation plans include an entrance (basement walkout).

As noted above, Section 4.19.5 i Table 4H of the Zoning By-law does not permit stairs, below grade accessing a principal building to encroach into an interior side yard. A minimum of 1.2 metres interior side yard is required on one side and 2.4 metres on the other side. The applicant is requesting permission to allow stairs to encroach into the interior side yard at 1.02 metres, whereas 1.2 metres is required, a difference of -0.18 metres.

Planning staff are of the opinion that the encroachment into the interior side yard is minor and will not impact adjacent properties or the functionality of the single detached dwelling and accessory apartment. It should also be noted that the property currently is fenced and the stairs will be shielded from the front of the property and will not negatively impact the character of the home. Development Engineering Staff have confirmed that there are no concerns from an engineering perspective.

Planning staff have reviewed the requested variance and offer no objection to its approval. Planning staff are of the opinion that the requested variance is minor in nature, conforms to the general intent of both the Official Plan and Zoning By-law and is desirable for the development and use of the subject property.

### **Recommendation:**

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

1. That the below grade stairs shall be generally located and constructed in accordance with the site plan, prepared by iTiBuilding Permit Designer Inc. date stamped by Town Zoning on August 14, 2023;
2. That a building permit application be obtained within two (2) years from the date of this decision; and
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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