



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-076 406 Nakerville Crescent

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 secondary dwelling unit:

- To allow the minimum exterior side yard setback to be 1.9 metres, a difference of - 0.5 metres

The subject property is known municipally as 406 Nakerville Crescent and located on the corner of Nakerville Crescent and Urell Way. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings.

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 Site Specific Residential Medium Density 1 (RMD1*104) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*104 zone permits a variety of residential uses, including detached and townhouse dwellings as well as accessory dwelling unit in single detached dwellings.

Section 6.2 Table 6C of the Zoning By-law states that the minimum required exterior side yard is 2.4 metres if the yard abuts a public right-of-way of less than 18.0 metres wide. The applicant is requesting permission to allow the exterior side yard to be 1.9 metres, a difference of - 0.5 metres, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on October 12, 2023. As of the writing of this report on October 18, 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 facilitate the construction of an accessory apartment in the basement of an existing single detached dwelling, at the above-noted address. The applicant is requesting permission to allow the exterior side yard to be 1.9 metres, a difference of - 0.5 metres, to permit an entrance and below-grade stairs to access an accessory apartment in the exterior side yard.

To improve the design of the stairs in the exterior side yard, the applicant has extended the existing wood fence to screen the entrance from the view of the street.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding of the property, will not impact the personal enjoyment of the lands or any neighboring property and will not be of detrimental impact to the lands, the street or surrounding area.

Based on the foregoing, staff is 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 land.

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 Imran Khan, date stamped by Town Zoning on September 15, 2023.
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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