



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-080 1231 McPherdan Point

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. To allow the width of the residential driveway to be 2.54 metres, a difference of - 0.21 metres per parking space; and
2. To allow the minimum interior yard setback to be 0.31 metres set back to the side-door landing, a difference of - 0.29 metres.

The subject property is known municipally as 1231 McPherdan Point and located near McPherdan Point and Izumi Gate. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily compromised of single-detached dwellings.

The applicant is proposing to construct a basement accessory apartment. In order to permit the basement apartment, the Zoning By-law requires a minimum of three parking spaces. The applicant is proposing to provide one parking space in the garage and two parking spaces on the driveway.

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*220) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*220 zone permits a variety of residential uses, including detached and townhouse dwellings. The by-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria:

- 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 wastewater services; and,
- iv) The accessory dwelling unit shall not exceed a maximum size of 85 m².

Zoning staff have confirmed that, with the exception of provision ii), the above noted criteria has been satisfied.

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting permission to allow a minimum size of a parking space on a residential driveway to be a width of 2.54 metres, a difference of -0.21 metres per parking space, to facilitate the proposal.

Section 6.2 Table 6C of the Zoning By-law states that the minimum required interior yard setback is 1.2 metres on one side and 0.60 metres on the other side. The applicant is requesting permission to allow the minimum interior yard setback to be 0.31 metres set back to the side door landing, a difference of - 0.29 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. In order for a permit to be issued to construct an accessory apartment, all relevant zoning by-law provisions must be met, including the provision of one parking space, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by - 0.21 for both of the parking spaces in the driveway, in order to accommodate three required parking spaces. The applicant is also requesting permission to allow the minimum interior yard setback to be 0.31 metres set back to the side door landing, a difference of - 0.29 metres, to facilitate the proposal.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles.

The accessory apartment will be accessed through an existing entrance in the side yard and the external character of the single-detached dwelling will not be negatively impacted. The side yard setback from the landing will still provide 0.31 metres from the property line (fence) and Development Engineering staff have confirmed there are no concerns from a drainage perspective.

Planning Staff have reviewed the request to reduce the size of the parking space as well as recognizing the interior side yard setback to the landing and offer no objection to the proposed variance approval. The owner has provided photographs that demonstrate the vehicles can adequately park wholly on the existing driveway and access to the interior of the vehicles can be achieved. Planning staff do not have concerns with the interior side yard landing as it will have no adverse impacts on the surrounding properties.

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.

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 Noble Prime Solutions Ltd., date stamped by Town Zoning on September 18, 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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October 18th, 2023