



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-099/M - 1316 Hamman Way

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 minimum size of a parking space, located on a residential driveway, to be 2.54 metres in width, where as the Zoning By-law requires 2.75 metres (a reduction of 0.21 metres).

The subject property is known municipally as 1316 Hamman Way and is legally described as Lot 110 on Plan 20M-1191. The lands are generally located south of Whitlock Avenue and east of Regional Road 25. Surrounding land uses include medium density residential.

The subject property currently contains a two storey single detached dwelling with an attached garage.

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. An additional residential unit is permitted within the policies, subject to the site having a municipal service connection, being accessible to public transit, not changing the external character of the building, meeting all other applicable law requirements (i.e. Ontario Building Code and Zoning By-law), and not being located within the regulatory floodplain area.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended, given the property has three functional parking spaces.

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 additional 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 width by 0.21 metres, resulting in a 2.54 metre width for spaces located on the driveway.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, November 16, 2023. As of the writing of this report on, November 22, 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 is seeking relief from the Zoning By-law to legalize two parking spaces within the driveway. Given the existing size of the driveway, a reduction of width for each space is required, resulting in a 2.54 metre width for a parking space located on a residential driveway. There is no physical development proposed on the driveway.

The applicant has demonstrated that two vehicles can be parked on the driveway without overhang onto the municipal right-of-way and adjacent properties, all while remaining accessible for passengers (see attached photographs).

Based on the foregoing, Planning Staff offer no objection to the approval of this application. The relief being requested is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and conforms to the Official Plan.

Recommendation:

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

1. That a Building Permit be obtained within two (2) years from the date of this decision.
2. 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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