



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-075M 311 Cedar Hedge Road

#### 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 length of a driveway to be 5.09 metres, a difference of - 0.41 metres in length

The subject property is known municipally as 311 Cedar Hedge Road and is located near the corner of Elsworthy Crossing and Cedar Hedge Road. The subject property contains a single-detached dwelling with an attached one-car garage. Surrounding uses are residential and is primarily comprised 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, one space in the driveway and to create an additional parking space on the front yard.

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

Within the Official Plan, the subject property is designated Residential Area. This designation establishes that the primary use of land shall be a mix of low, medium and high density residential development. Second Residential Units are permitted, subject to the following criteria as set out in Section 3.2.3.9:

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

Planning staff are of the opinion that the proposal is not in conformity with the Town of Milton Official Plan as adequate parking will not be provided on site in accordance with the provisions of the Zoning By-law.

## **Zoning:**

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1\*150) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*150 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 m<sup>2</sup>.

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 has requested permission to allow the length of the driveway to be 5.09 metres, a difference of - 0.41 metres, to facilitate the proposed development.

## **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. It's noted that a building permit must be received prior to commencing construction of the accessory dwelling unit.

The Town's Fire & Rescue Services has no objection but did note that the setbacks along the side of the residence are not wide enough to accommodate Emergency Responders during an event at the secondary unit. Planning staff acknowledge the comment however, at this time there is no provisions in the Town's Zoning By-law that require specific setbacks or minimum requirements.

Planning staff are currently working on updating the Town's Zoning By-law to include Accessory Residential Unit provisions and will work with Fire & Rescue Services to ensure they are satisfied.

Development Engineering staff has no objection but did note that no hard surfaces are allowed on the Town's Boulevard and any river rock or similar material must stop at the sidewalk.

## **Planning and Development Department Comments:**

The applicant has requested a minor variance to allow for a reduction in the length required for one parking space on the subject property to facilitate the construction of a basement accessory apartment. As noted above, the Zoning By-law requires a minimum

of three parking spaces to facilitate the construction of a basement apartment. The subject property contains a single car garage and single car driveway which provides parking for two vehicles (one in the garage and one in the driveway). The applicant has proposed to create an additional parking space on the front yard area of the subject property.

The applicant has proposed a decrease in the minimum length required for a parking space. This parking space will be located on the front yard of the subject property. Section 5.6.2 i) requires that the minimum size for a parking space shall be 2.75 metres wide by 5.5 metres in length. The applicant has requested permission to allow for a reduction in the minimum parking space length to 5.09 metres, a reduction of - 0.41 metres. Planning staff have reviewed the requested variance and object to its approval.

The Zoning By-law provides for minimum standards associated with land use. For single detached dwellings, the Zoning By-law requires a minimum of two (2) parking spaces be provided, and one (1) additional parking space for an accessory apartment. The Zoning By-law further provides for the minimum size of a parking space shall be, to accommodate a range of both style and size of vehicles.

Although a reduction in size may be sufficient for a car, the Town cannot enforce the type of passenger vehicle parked in the space, and therefore enforces a minimum standard to provide adequate parking for all types of vehicles including cars, SUVs and trucks. Planning staff are concerned that if a future tenant has a vehicle larger than could be accommodated, this would impact pedestrian safety and overall parking issues. It is also worth noting that pedestrian safety is a concern as the additional parking space can be difficult to navigate especially during winter months with snow banks and unclear sidewalks. Staff are also concerned that the additional space will limit access to the main entrance of the single-detached dwelling, by having a vehicle parked immediately against the stairs, which also creates an accessibility concern, as it relates to accessing the home.

Overall, Planning staff have concerns regarding pedestrian safety, parking issues and an overall negative impact to the external character of the dwelling and surrounding neighbourhood in the future.

Planning staff have reviewed the requested variance and recommend refusal. Planning staff are of the opinion that the requested variance does not conform to the general intent of both the Official Plan and Zoning By-law and is not desirable for the development and use of the subject property. Planning staff are further concerned that the proposed reduction in parking space length would have a negative impact on both the Town's right-of-way and pedestrian safety.

**Recommendation:**

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

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