



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-107M 995 Dice 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 permit a secondary dwelling unit:

- Requesting permission to allow the minimum exterior side yard setback of 1.71 metres, a difference of - 0.29 metres

The subject property is known municipally as 995 Dice Way and is located on the corner of Dice Way and Zuest Crescent. 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 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):

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. A variety of medium and high density residential uses are permitted. 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.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan. The proposed accessory dwelling unit is located within an existing single detached dwelling on full municipal services. The subject lands are located in close proximity to

municipal transit and no significant changes to the external character of the building or property are being proposed.

### **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>.

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

Section 6.2 Table 6C of the Zoning By-law requires a minimum exterior side yard setback of 2.0 metres, if the yard abuts a public right-of-way less than 18.0 metres. The applicant is requesting permission to allow the exterior side yard to be 1.71 metres, 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 November 29, 2023. As of the writing of this report on December 6, 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 below-grade stairs and an entrance in the exterior side yard for the creation of an accessory residential unit. The applicant is requesting permission to allow the exterior side yard to be 1.71 metres, a difference of - 0.29 metres, to facilitate the proposal.

The owner has agreed to extend the existing fence and provide landscaping to screen the entrance from the view of the street. The landscaping, in addition to the remaining setback of 1.71 metres from the street line, will help minimize the visual impact of the stairs on the streetscape. Planning staff are satisfied that these additional measures will ensure that the below-grade entrance does not negatively impact the character and front façade of the dwelling.

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 and below-grade stairs shall be located and constructed in accordance with the site plan and building elevations, prepared by Parus Khushk & Zain Adeeb., date stamped by Town Zoning on October 30, 2023.
2. That landscaping and a fence extension be provided along the below-grade entrance to screen the entrance from the street.
3. That a building permit application be obtained within two (2) years from the date of this decision.
4. 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP  
Planner, Development Review

December 6, 2023