



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-103M 250 Heslop Road

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variance(s) to Zoning By-law 016-2014, as amended, has been requested to permit a secondary dwelling unit:

1. Requesting permission to allow the width of the residential driveway to be 8.25 metres, a difference of +0.25 metres; and
2. Requesting permission to allow the accessory dwelling unit area to be 98.1 square metres, an difference of + 13.1 square metres.

The subject property is known municipally as 250 Heslop Road and located near the corner of Heslop Road and Thomas Street. The subject property contains a single-detached dwelling with an attached one-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 the three parking spaces on the driveway and the single-car garage will be converted into additional living space for the proposed secondary dwelling unit.

Planning staff and the applicant have agreed to a new entrance location for the proposed secondary dwelling unit and the entrance will now be established in the interior side yard. No variance is required for the proposed entrance location and Planning staff have included a condition below that speaks to ensuring that the entrance location remain in the inferior side 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. 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 3 (RMD3*300) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD3*300 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) and iv), the above noted criteria has been satisfied.

Section 5.6.2 iv) d) E) of the Zoning By-law states on a lot with a frontage greater than 11.5 metres, the maximum permitted width of a residential driveway is 8.0 metres. The applicant is requesting permission to allow the width of a residential driveway to be 8.25 metres, a difference of + 0.25 metres, to facilitate the proposal.

Section 4.10 iv) of the Zoning By-law states that the maximum permitted accessory dwelling unit area is 85 square metres. The applicant is requesting permission to allow the accessory dwelling unit area to be 98.1 square metres, a difference of + 13.1 square 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 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 allow the width of a residential driveway to be 8.25 metres as well as requesting permission to allow the accessory dwelling unit area to be 98.1 square metres for the accessory apartment. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park three vehicles. 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.

As noted above, the applicant has also requested an increase in the size of the accessory dwelling unit. This variance was required because of the garage being converted into additional living space for the accessory dwelling unit. This additional area contributes to the total gross floor area of the accessory apartment which has rendered the unit oversized. Planning staff have no concerns with the increase in maximum size for the unit. The dwellings footprint is existing and there is no proposed development but only utilizing the existing layout.

The entrance for the proposed secondary dwelling unit will be located in the interior side yard and will not impact the front façade of the dwelling or external character. Planning staff are satisfied with the proposed location.

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 Archicreation, date stamped by Town Zoning on November 6, 2023.
2. That the owner constructs the entrance for the proposed secondary dwelling unit in accordance with the updated building elevations, prepared by Archicreation and dated December 6, 2023.
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