



## Memorandum to Committee of Adjustment Members

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### Minor Variance Application: A23-049M - 985 Logan Drive

#### 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 the minimum width of a parking space, on a residential driveway, to be 2.65 metres, whereas the Zoning By-law requires 2.75 metres (a reduction of 0.10 metres).

The subject property is known municipally as 985 Logan Drive and is legally described as Lot 175 on 20M-129. The lands are generally located west of Thompson Road and north of Britannia Road. Surrounding land uses include residential, in the form of single detached dwellings, and Town-owned stormwater management facilities.

A single detached dwelling is located on the property. The applicant intends to construct a secondary dwelling unit in the form of a basement apartment. To facilitate the approval of a secondary dwelling unit, the applicant is requesting to reduce the width of parking space, located on the residential driveway.

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

The subject property is designated 'Residential Area' on both Schedule B - Urban Land Use Plan within the Town of Milton Official Plan and Schedule C.10.C Boyne Survey Secondary Plan Land Use Plan. The 'Residential Area' designation allows secondary dwelling units, subject to policies within Section 3.2.3.9 of the Town of Milton Official Plan:

- a) The use shall be located in an existing single-detached, semi-detached, row house, 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 can be satisfied; and,*
- e) The existing dwelling is not within the Regulatory Flood Plan.*

Given that the unit is proposed within a single-detached dwelling with full municipal servicing, is accessible to public transit, results in no external changes to the dwelling, maintains all Zoning By-law provisions (with the exception of the relief being requested through this application), and is not proposed within Flood Plain, it is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended.

## **Zoning:**

The subject lands are zoned as Residential Medium Density 1 (RMD1\*264) 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 secondary/accessory 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's width, the applicant is seeking to reduce the required parking space width by 0.10 metres, resulting in a 2.65 metre width for each space.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, August 16, 2023. As of the writing of this report on, August 23, 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. The applicant is advised that no physical construction can begin until such time that the Minor Variance Application is approved and Building Permit issued.

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

The applicant has requested a minor variance to facilitate the creation of a secondary dwelling unit in the form of a basement apartment. An interior side yard entrance is proposed, for which no relief is required.

Given the existing width of the driveway, the applicant cannot accommodate two legal parking spaces - so far as the definition of a parking space on a residential driveway which requires an unobstructed area of 2.75 metres in width and 5.5 metres in length.

To achieve compliance with the Secondary/Additional Dwelling Unit provisions in the Zoning By-law, specifically the need for an additional parking space, the applicant intends to reduce the technical width of each parking space in the driveway. This will result in no physical impact or widening of the driveway.

The applicant has provided photographs that demonstrate a vehicle can adequately parking in the garage, along with two vehicles in the driveway. No vehicles overhang onto the municipal right-of-way, nor onto the lawn area or adjacent lots. All vehicles remain

accessible and can enter/exit the site freely. Planning staff are satisfied that two cars can park in the driveway, and one in the garage, despite the reduction in parking space width.

Planning staff are of the opinion that the relief is minor in nature, desirable for the development of the subject lands, conforms to the Official Plan and maintains the intent of the Zoning By-law. As such, planning staff offer no objection to the approval of this application.

**Recommendation:**

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

1. That a building permit application 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.

**Rachel Suffern**

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