



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23-077 442 Cedric Terrace

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 stairs, below grade accessing a principal building to encroach into the required exterior side yard, 1.08 metres, 0.92 metres encroachment

The subject property is known municipally as 442 Cedric Terrace and located on the corner of Cedric Terrace on the opposite side to Harrison Park. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and primarily comprised of single-detached dwellings.

The applicant is proposing to construct a basement apartment, where the entrance to the accessory apartment is located in the exterior side yard. The minor variance is required to permit the below grade stairs in the exterior side yard.

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

The subject property is designated as Residential Area in the Town of Milton Official Plan. This designation permits single detached dwellings and Secondary Residential Units are also permitted. It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

Zoning:

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1 zone permits a variety of residential uses, including detached and townhouse dwellings as well as accessory dwelling unit in single detached dwellings.

Section 4.19.5 i Table 4H of the Zoning By-law does not permit stairs, below grade accessing a principal building to encroach into an exterior side yard. A minimum of 1.2 metres interior side yard is required on one side and 2.4 metres on the other side.

The applicant is requesting permission to allow stars to encroach into the exterior side yard at 1.08 metres, a difference of 0.92 metres, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on October 12, 2023. As of the writing of this report on October 18, 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 permit below grade stairs, accessing an accessory apartment, in the interior side yard. The request has come forward as the homeowner is finishing their basement which will be utilized as an accessory dwelling unit which includes an entrance with below-grade stairs.

As noted above, Section 4.19.5 i Table 4H of the Zoning By-law does not permit stairs, below grade accessing a principal building to encroach into an exterior side yard. A minimum of 1.2 metres interior side yard is required on one side and 2.4 metres on the other side. The applicant is requesting permission to allow stairs to encroach into the exterior side yard at 1.08 metres, a difference of 0.92 metres, to facilitate the proposal. It should be noted that the entrance and stairs will be located on the side with the greater side yard setback of 2.6 metres.

Planning Staff are of the opinion that the encroachment into the exterior side yard is minor and will not impact adjacent properties or the functionality of the single detached dwelling and accessory apartment. It should also be noted that the property currently is fenced and the stairs will be shielded from the front of the property and will not negatively impact the character of the home. Development Engineering Staff have confirmed that there are no concerns from an engineering perspective.

Planning staff have reviewed the requested variance and offer no objection to its approval. Planning staff are of the opinion that the requested variance is minor in nature, conforms to the general intent of both the Official Plan and Zoning By-law and is desirable for the development and use of the subject property.

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 Majid Shamil, date stamped by Town Zoning on September 8, 2023.
2. That a building permit application be obtained within two (2) years from the date of this decision.
3. 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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