



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/074/M 629 Trudeau Drive

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 016-2014, as amended, have been requested to permit:

1. An encroachment of an architectural building feature with an area of 0.613 square metres into a required rectangular shaped parking space; and
2. Two parking spaces to be a minimum of 2.6 metres wide by 5.5 metres long, whereas a parking space is required to be a minimum of 2.75 metres wide by 5.5 metres long (a decrease in the width by 0.15 metres for each space).

The subject property is known municipally as 629 Trudeau Drive and is legally described as Lot 264 on Registered Plan 20M-773. The property is located at the corner of Trudeau Drive and Ramshaw Crescent in a low density residential neighbourhood.

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 within the garage and two parking spaces on the driveway. As the existing driveway is not wide enough to accommodate two full-sized parking spaces as per the Zoning By-law, the applicant has requested a minor variance to reduce the minimum width of both parking spaces on the driveway, and to permit an encroachment into one of the parking spaces.

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.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan.

Zoning:

The subject lands are zoned 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, semi-detached, townhouse and duplex 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 85m².

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

Variance 1: Encroachment of Architectural Feature

Section 13.1.1.35 a) of the Zoning By-law states that each parking space shall provide a minimum size of 2.7 metres x 5.5 metres, with a rectangular shape and be readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving any other vehicle or obstruction. The applicant is proposing to provide 2 parking spaces on the driveway, of which one parking space will have an encroachment of an architectural feature (bay window) with an area of 0.613 square metres into a required rectangular shaped parking space

Variance 2: Parking Stall Width

Section 5.6.2 i) of the Zoning By-law requires 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. To accommodate two parking spaces on the driveway, the applicant has requested a reduction in the minimum parking space width to 2.60 metres (a reduction of 0.15 metres) for both parking spaces.

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.

Development Review Comments:

The applicant is seeking to construct an accessory dwelling unit within the basement of an existing detached dwelling. As required by the Zoning By-law, in order to accommodate the accessory apartment a minimum of 3 parking spaces must be provided (2 parking spaces for the main dwelling unit and 1 additional space for the accessory dwelling unit). Currently, two parking spaces are provided in accordance with the Zoning By-law, with one space located in the garage and one space located on the driveway.

To permit two parking spaces on the driveway, the applicant is seeking to permit an architectural feature to encroach 0.613 square metres into the required parking space, and to permit a reduction in the width of both parking spaces to 2.60 metres wide (a reduction of 0.15 metres per space).

The existing driveway has been widened to permit the residents to park 2 vehicles in the driveway. Staff note that the current driveway width complies with the Zoning By-law

however a 0.6 metre portion of the driveway along the interior side yard must be removed and reinstated to a permeable landscape surface such as grass, shrubs, or river rock. Once the landscaping strip in the interior side yard is reinstated, the driveway will have a width of 5.2 metres wide. Additionally, a portion of a window well at the front of the dwelling will encroach into the top corner of the parking stall.

The intent of the minimum parking space requirements of the Zoning By-law is to ensure that adequate parking is provided for the residential use and that the parking spaces are accessible and functional. The applicant has provided pictures showing that 2 vehicles can part on the existing driveway with no encroachment over the sidewalk. As the additional parking space required for the accessory dwelling unit can be adequately provided on the lands, the intent of the Zoning By-law is being met. The reduced width of 0.15 metres per space is minor in nature and will not significantly impact an owner's ability to enter or exit the vehicles on the driveway.

Based on the foregoing, staff is of the opinion that the requested variances are minor in nature, conform to the general policies and intent of both the Official Plan and Zoning By-law and are appropriate for the development and use of the land.

Recommendation:

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

1. That the minimum required 0.6 metre permeable residential landscape surface abutting the interior side lot line be reinstated in accordance with the Zoning By-law;
2. That a building permit application for the accessory apartment be obtained within two (2) years from the date of this decision; and
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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