



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-24/010M - 963 Transom Crescent

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 two parking spaces to support a dwelling and a Short-Term Rental, whereas the Zoning By-law requires three parking spaces (two associated with the primary dwelling and one with the Short-Term Rental use).

The subject property is known municipally as 963 Transom Crescent and is generally located south of Derry Road and west of Bronte Street South. Surrounding land uses include residential, stormwater management ponds and an adjacent rail corridor.

The applicant is proposing to use their entire townhouse dwelling as a Short-Term Rental, subject to the provisions of the Licensing By-law.

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

The subject property is designated as Residential on Schedule B - Urban Land Use Plan within the Town of Milton Official Plan. It is further designated as Residential - Employment on Schedule C-8-D - Sherwood Survey Secondary Plan Land Use Plan within the Sherwood Survey Secondary Plan.

Both designations permit a range of residential uses, along with those that are ancillary and accessory to the principle residential use.

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

Zoning:

The subject lands are zoned Residential Medium Density 2 (RMDII*146) with site specific provisions. The zone generally permits a range of medium density housing types and accessory uses. Further, a Short-Term Rental is permitted within any dwelling unit, subject to Section 4.24.

Section 4.24 (ii) of the Zoning By-law requires that a one parking space, in addition to the required parking for the principle dwelling, shall be provided. Given that the subject property has a single car driveway, only two legal parking spaces can be provided on site - one in the garage and one on the driveway.

Therefore, the applicant is requesting relief to require that only two spaces be provided, whereas the Zoning By-law cumulatively requires three.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, March 14, 2024. As of the writing of this report on, March 21, 2024, 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 subject lands currently contain a townhouse dwelling with an attached garage and single-car driveway. The owner is seeking to use their existing townhouse dwelling as a Short-Term Rental, subject to the provisions established in the Licensing By-law 062-2022, notably:

1. That no Licensee shall rent out a Short-Term Rental for more than 180 days in a calendar year;
2. That each rental period shall not exceed 28-days;
3. That the Short-Term Rental is the applicant's principal residence; and,
4. That the land, building or structure conforms with all applicable federal and provincial legislation, regulations and municipal by-laws.

Until such time that zoning compliance is achieved, the Town will not issue a Certificate of Occupancy or Short-Term Rental License. Therefore, the applicant is seeking a minor variance.

The intent of the parking provision in Section 4.24 (ii) is to ensure adequate parking is available for a Short-Term Rental, particularly in the instance of a secondary dwelling unit being rented out as a Short-Term Rental, while the primary dwelling unit remains occupied. Given the applicant intends to rent out the entire dwelling unit, Planning Staff offer no objection to the approval of this application since the parking requirements between the principle unit and Short-Term Rental will not be in conflict with one another. Further, given that the entire dwelling would be rented out, the anticipated parking demand would not exceed what would be reasonably presumed if the entire townhouse was occupied by the owners - both configurations would function in a similar manner.

Should the Committee approve this application, a condition has been included to ensure that the permission of a reduced parking rate is contingent on the entire townhouse dwelling being rented out as a Short Term Rental.

Further, Planning Staff acknowledge that while the property only legally has two parking spaces, there is no municipal sidewalk and therefore, the existing boulevard can functionally be used for a third parking space at this time.

Based on the foregoing, Planning Staff is of the opinion that the requested variance is minor in nature, conforms to the general policies and intent of both the Official Plan and Zoning By-law and is 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 entire townhouse dwelling shall be rented out as a Short Term Rental.
2. That a Certificate of Occupancy be issued 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 Certificate of Occupancy is not secured.

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