



Memorandum to Committee of Adjustment Members

Minor Variance Application: A24-007M - 1542 Severn 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 a parking space, located on a residential driveway, to have a minimum width of 2.52 metres, whereas the Zoning By-law requires 2.75 metres (a reduction of 0.23 metres).
- Allow a minimum required interior side yard of 1.04 metres on one side and 0.6 metres on the alternate (a reduction of 0.16 metres).

The subject property is known municipally as 1542 Severn Drive and contains a single detached dwelling with an attached garage. Surrounding land uses are primarily residential.

The applicant is proposing to construct an additional residential unit within their basement. To facilitate the proposal, relief is required with respect to accommodate the parking area and side yard entrance.

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

Within the Official Plan, the subject property is designated Residential Area. This designation permits a range of low, medium and high density residential development. Second Residential Units are permitted as-of-right in the Residential Area, subject to the criteria as set out in Section 3.2.3.9.

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*283) under the Town of Milton Zoning By-law 016-2014, as amended. The Zoning By-law permits Accessory Dwelling Units, subject to the criteria set-out in Section 4.10:

- 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), the above noted criteria has been satisfied.

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting permission to allow a minimum size of a parking space on a residential driveway to have a width of 2.52 metres.

Section 6.2 Table 6C requires that a minimum interior side yard setback of 1.2 metres on one side and 0.6 metres on the alternate shall be provided. Based on the proposed location of the side yard entrance, the applicant is seeking to reduce the interior side yard setback in the affected yard to 1.04 metres.

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 21st, 2024, staff have not received any comments from members of the public

Agency Comments

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 creation of an additional dwelling unit with their basement. To access the unit, an entrance is proposed in the interior side yard.

The intent of the required parking dimensions set-out in the Zoning By-law is to ensure that vehicles can be parked wholly on a private property without overhang onto the municipal right-of-way, while remaining accessible for passengers. The applicant has demonstrated, via photos, that two cars can adequately be parked in the driveway, along with the garage. As such, Planning Staff is satisfied in regard.

To accommodate the proposed access for the additional dwelling unit and meet all required Ontario Building Code requirements, the applicant is seeking to reduce the required interior side yard setback to 1.04 metres (given the required landing and stairs encroach). Given the alternate side yard remains unobstructed so far as access to the rear yard (i.e. for property maintenance equipment and life safety personnel), Planning Staff have no objection to the alternate side yard's proposed reduction. An unobstructed access of 1.94 metres will be provided to the entrance of the additional residential unit which will satisfy the provision of access of the future tenant and life safety personnel.

Based on the above-noted consideration, Planning Staff offer no objection to the approval of this application as the relief being requested is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and confirms to the Official Plan.

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.

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