



Memorandum to Committee of Adjustment Members

Minor Variance Application: A24-008M 246 Hinton 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 facilitate a secondary dwelling unit:

- To allow above grade stairs and landings to be located in an interior side yard, with a resultant setback of 0.4 metres, where as the Zoning By-law does not allow such features to be located in an interior side yard nor encroach into the required setback of 1.2 metres (a reduction of 0.8 metres).
- To allow the width of a parking space on a residential driveway to be 2.68 metres, a difference of 0.06 metres per parking space.

The subject property is known municipally as 246 Hinton Terrace and is generally located east of the intersection of Bronte Street South and Louis St. Laurent Avenue. The subject property contains a single detached dwelling with an attached garage. Surrounding uses are residential and is primarily comprise of single-detached dwellings.

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 in the garage and two parking spaces on the driveway. Further, the applicant is proposing an independent entrance to the basement to be located on the left side of the dwelling. To facilitate the entrance from the side yard the applicant is proposing a landing and stairs, as required by Ontario Building Code.

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. A variety of medium and high density residential uses are permitted. Second Residential Units are permitted as-of-right in the residential area, subject to the following criteria as set out in Section 3.2.3.9:

- a) the use shall be located in an existing single detached, semi-detached, row houses, 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 are satisfied; and
- e) the existing dwelling is not within the Regulatory Flood Plain.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan. The proposed accessory dwelling unit is located within an existing single detached dwelling on full municipal services. No significant changes to the external character of the building or property are being proposed.

Zoning

The subject lands are zoned Site Specific residential Medium Density 1 (RMD1*207) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*207 zone permits a variety of residential uses, including detached and townhouse 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 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 be a width of 2.86 metres, a difference of 0.06 metres per parking space, to facilitate the proposal.

Section 4.19.5 i) Table 4H of the Zoning By-law states that stairs shall be located a minimum of 1.0 metres from the property line, measured to the first riser, with no part of the landing any closer than 1.2 metres from the property line. The applicant is requesting permission to allow a landing to be located in an interior side yard with a setback of 0.4 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 20th, 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.

Milton Fire originally expressed concerns with the proposal so far as adequate access to the side yard entrance - Planning Staff have worked with Milton Fire to resolve such concerns by confirming that an unobstructed access to the side yard entrance will be provided and that the alternate side yard will remain unobstructed to ensure adequate access to the rear yard.

Planning and Development Department Comments:

The applicant has requested a minor variance to facilitate the construction of an accessory apartment in the basement of an existing single detached dwelling, at the above-noted address. In order for a permit to be issued to construct an accessory apartment, all relevant Zoning By-law provisions must be met, including the provision of one parking space for the additional residential unit and two parking spaces required for the primary dwelling unit.

The intent of the required parking stall dimensions in the Zoning By-law ensures that adequate space is available for vehicles to park and be accessed. Based on this, Planning staff have reviewed the request to reduce the size of the parking space and offer no objection to the approval of this application. The owner has provided photographs that demonstrate the vehicles can adequately park wholly on the existing driveway and access to the interior of the vehicles can be achieved.

The applicant is also requesting permission to allow for stairs and a landing to be located within the interior side yard, resulting in a side yard of 0.4 metres. Planning Staff do not have any objection to the proposed stairs and landing so long an unobstructed path of travel remains available to the entrance for life-safety personnel. Similarly, the alternate side yard is to remain unobstructed and accessible so far as access to the rear yard.

Based on the above, the proposed development is appropriate for the efficient use of the land by providing an additional residential unit which contributes to housing affordability, will not result in overdevelopment of the property, will not impact the personal enjoyment of the lands or any neighboring property and will not be of detrimental impact to the lands, the street or surrounding area. Therefore, Planning Staff offer no objections to the approval of this application and believe the application conforms to the four tests: it is desirable for the appropriate development of the lands, the application is minor in nature, it conforms to the intent of the Official Plan and it conforms to the intent of the Zoning By-law.

Recommendation:

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

1. That the development proceed generally in accordance with the site plan prepared by Scale n Shape Architectural Consultants, date stamped by Town Zoning on February 6, 2024.
2. That prior to building permit issuance, the owner confirm that the fence located in the alternate side yard has been altered to include a door to the rear yard for access, or is removed, to the satisfaction of Development Review staff.
3. That a building permit application be obtained within two (2) years from the date of this decision.
4. 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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