



The Corporation of the
Town of Milton
Committee of Adjustment and Consent

Thursday, September 28, 2023, 6:00 p.m.
Council Chambers - In Person

The Town of Milton Committee of Adjustment and Consent (COA) meetings are in person. Applicants and interested parties can participate in person at Town Hall, Council Chambers, 150 Mary Street.

	Pages
1. AGENDA ANNOUNCEMENTS / AMENDMENTS	
2. DISCLOSURE OF PECUNIARY INTEREST	
3. REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS	
3.1 A23-051/M 1339 Chretien Street	
4. MINUTES	
5. ITEMS FOR CONSIDERATION	
5.1 A23-050M - 48 Bardoe Cres	4
Minor Variances are being requested to permit an increase in the total accessory structure gross floor area for the lot and to permit a reduced interior side yard setback for the existing shed.	
5.2 A23-060M - 267 Woodward Ave	8
A minor variance is being requested to construct a detached garage in the rear yard and has requested an increase to the maximum permitted lot coverage to permit the structure.	
5.3 A23-067M - 43 Barton Street	11
A minor variance is being requested to increase lot coverage of 3.55% to accommodate the proposed covered porch at the rear of the dwelling.	
5.4 A23-071M - 130 Thompson Road	13
A minor variance is being requested to construct a mixed-use development that is comprised of residential units, with below-grade parking facilities, and 1,156 square metres of at-grade commercial use.	

5.5	A23-072M - 741 Scott Boulevard	17
	A minor variance is being requested to construct a secondary dwelling unit in the form of a basement apartment. To comply with the zoning criteria relating to additional dwelling units, the applicant is seeking to reduce the length of one parking space on a residential driveway to establish a third parking space.	
5.6	A23-073M - 12600 Sixth Line Nassagewaya	20
	A minor variance is being requested to reduce the front yard setback to 20 metres, to accommodate the proposed siting of the addition.	
5.7	A23-070M - 174 Martin Street	22
	Minor variances are being requested to remove the existing detached garage and replace it with a newly constructed detached garage. The garage will provide parking for one vehicle as well as personal storage.	
5.8	A23-065M - 435 Tilt Point	25
	A minor variance is being requested 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.	
5.9	A23-066M - 1499 Kitchen Court	28
	A minor variance is being requested 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.	
5.10	A23-069M - 305 Nairn Circle	31
	A minor variance is being requested 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.	
5.11	A23-062M - 933 Maple Avenue	34
	A minor variance is being requested 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.	

- | | | |
|------|---|----|
| 5.12 | A23-064M - 1046 Easterbrook Crescent
A minor variance is being requested 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. | 36 |
| 5.13 | A23-068M - 1074 Job Crescent
A minor variance is being requested 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. | 39 |
| 5.14 | A23-063M - 1283 Kovachik Boulevard
A minor variance is being requested 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. | 42 |
| 5.15 | A23-061M - 823 Whitlock Avenue
A minor variance is being requested 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. | 45 |

6. NEXT MEETING

7. ADJOURNMENT

Note: Should the livestream of this meeting be interrupted due to technical reasons, a recording of the meeting's proceedings will be posted to the Town website as soon as reasonably possible.



Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/050/M 48 Bardoe Crescent

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. A minimum interior side yard setback of 0.50 metres for an accessory structure, whereas a minimum interior side yard setback of 0.60 metres is required; and
2. A maximum gross floor area of 27.4 square metres for all the accessory structures on the lot, whereas a maximum gross floor area of 10 square metres is permitted.

The subject property is known municipally as 48 Bardoe Crescent and is legally described as Lot 90 on Registered Plan 20M-1017. The lot currently contains a single detached dwelling with a double car garage. The applicant is proposing to construct a gazebo in the rear yard and to retain an existing shed. Minor variances have been requested to permit an increase in the total accessory structure gross floor area for the lot and to permit a reduced interior side yard setback for the existing shed.

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

The subject property is designated "Residential Area" on Scheduled B - Urban Land Use Plan. A range of residential uses including single detached dwellings and associated residential accessory structures, are permitted within the Residential Area designation.

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

Zoning:

The subject lands are zoned Residential Medium Density 1 with site specific provisions (RMD1*79) under Comprehensive Zoning By-law 016-2014, as amended. In this zone single-detached dwellings and accessory structures are permitted.

Variance 1: Reduced Interior Side Yard Setback

Section 4.2.1 Table 4A permits a minimum interior side yard setback of 0.60 metres for an accessory structure. The applicant is requesting a decrease to the interior side yard setback to 0.50 metres for the existing shed (a reduction of 0.10 metres).

Variance 2: Increase Gross Floor Area

Section 4.2.1 Table 4A permits a maximum total accessory structure gross floor area of 10 square metres for all accessory structures on the lot. The applicant is requesting an

increase in the maximum gross floor area of an accessory structure to 27.4 square metres for the proposed gazebo and existing shed (an increase of 17.4 square metres).

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 14, 2023. As of the writing of this report on, September 20, 2022, 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 proposing to construct a gazebo in the rear yard and retain an existing shed. Minor variances have been requested to permit an increase in the total accessory structure gross floor area for the lot and to permit a reduced interior side yard setback for the existing shed.

The intent of maximum gross floor area for all accessory structures is to ensure that the accessory structures remain secondary to the primary use and do not adversely impact adjacent lands. The increased size of the accessory structures by 17.4 square metres is minor and the structures will be clearly secondary to the primary single detached dwelling. The gazebo is proposed to be 19.72 square metres in size and the existing shed is 7.68 square metres. The two structures will be located in the larger rear yard and the interior side yard, will not result in the overbuilding of the lot, and will continue to be secondary to the primary single detached use.

The intent of the interior side yard setback requirement is to ensure that the accessory structure can be maintained and that stormwater can be managed along the property line. The applicant has proposed to reduce the interior side yard setback to 0.50 metres from 0.60 metres for the existing shed. Staff note that the applicant moved the existing shed to increase the interior side yard setback as much as possible. Staff do not have any concerns with the minor reduction to the interior side yard setback.

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

Recommendation:

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

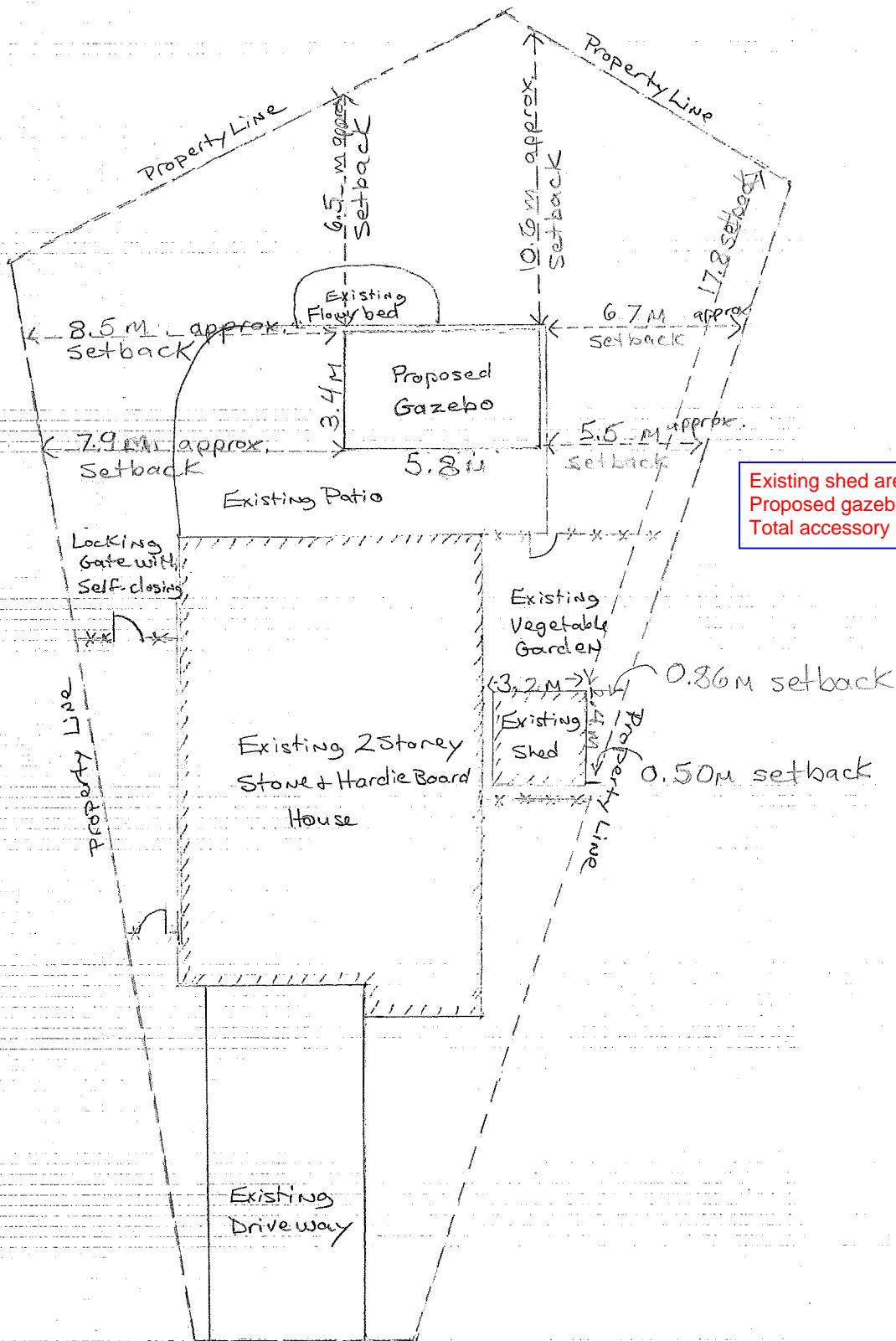
1. That the proposed gazebo shall be located in accordance with the site plan, date stamped by Town Zoning on June 21, 2023.
2. That a building permit application be obtained within two (2) years from the date of this decision.

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.

Natalie Stopar

Natalie Stopar, MCIP, RPP
Planner, Development Review

September 20, 2023



Existing shed area: 7.68 sq. m.
 Proposed gazebo area: 19.72 sq. m.
 Total accessory building area: 27.4 sq. m.





Memorandum to Committee of Adjustment Members

Minor Variance Application: A-23/060/M 267 Woodward Avenue

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 maximum lot coverage of 30.6%, whereas a maximum lot coverage of 25% is permitted.

The subject property is known municipally as 267 Woodward Avenue and is legally described as Plan 165 Lot 8. The property currently contains a single detached dwelling, which is a listed heritage building. The applicant is proposing to construct a detached garage in the rear yard and has requested an increase to the maximum permitted lot coverage to permit the structure.

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

The subject property is designated “Residential Area” on Scheduled B - Urban Land Use Plan and is located within the “Character Area” on Schedule D of the Official Plan. A range of residential uses, including single detached dwellings and associated residential accessory structures, are permitted within the Residential Area designation.

The property is also located within a Mature Neighbourhood Area on Schedule F of the Town of Milton Zoning By-law 016-2014. On October 19th 2020, Milton Council passed Official Plan Amendment No. 60 and an accompanying Zoning By-law Amendment for the Downtown Character Area in accordance with the Mature Neighbourhoods Character Study. The Official Plan Amendment updated the Town’s policies to better manage development in Mature Neighbourhood and Character Areas, and the Zoning By-law Amendment introduced new standards that apply to low-density residential development in the Downtown Character Area.

The Official Plan policies intend for Mature Neighbourhood Areas around the Central Business District to remain relatively stable. The policies specify that in these areas, infill and development must be compatible with and respectful of the existing neighbourhood character.

It is Staff’s opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended.

Zoning:

The subject lands are zoned Residential Low Density One with site specific provisions (RLD1*280) under Comprehensive Zoning By-law 016-2014, as amended. In this zone,

single-detached dwellings and accessory structures including detached garages are permitted.

Section 6.2, Table 6B(I) states that a maximum lot coverage of 25% is permitted for a lot with a lot area between 660 and 830 square metres. The applicant is proposing an increase to the lot coverage to 30.6% (an increase of 5.6%). The maximum permitted lot coverage is calculated based on the lot coverage of the dwelling and the detached garage.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 14, 2023. As of the writing of this report on, September 20, 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. The following comments are noted by Planning staff:

Urban Design Comments

I have reviewed the drawings associated with the proposed development of a detached garage at 267 Woodward Ave and have no concerns with the proposal from an urban design perspective as it does not create a negative impact on the character of the neighbourhood and the streetscape and the increase of lot coverage is directed to the rear of the property.

Moreover, the proposal contributes to enhance and retain the existing character described by the presence of rear detached garages.

Engineering Comments:

Please be further advised that Development Engineering has no objection to the approval of this application; however, with conditions of approval. The Owner must acknowledge and agree that at time of Building Permit, Development Engineering will require the following information:

1. The Owner shall provide the Town with a detailed Grading Plan done to the satisfaction of development engineering showing the following items:
 - a. The grading plan shall show existing and proposed elevations according to the attached Town of Milton standard drawing No. E-18.
 - b. The Owner must ensure that the intent of the original drainage pattern is maintained, that any existing external drainage pattern is not impeded and that adjacent properties are not negatively impacted.
 - c. The grading plan must ensure that downspouts are to be located such that they do not adversely affect adjacent properties, and are not to drain directly onto adjacent properties.
 - d. The grading plan must ensure that existing elevations at property line are not altered.

Development Review Comments:

The applicant has requested a minor variance to permit the construction of a detached garage in the rear yard. The Zoning By-law currently permits a maximum lot coverage of 25% for the lot, which includes the combined lot coverage of the dwelling and the detached garage. Additionally, the Zoning By-law states that a detached garage shall not exceed 10% of the lot area.

The applicant is proposing a maximum lot coverage of 30.6%, of which the existing dwelling has a lot coverage of 21.7% and the detached garage has a proposed lot coverage of 8.9%. Planning staff have reviewed the requested variance and do not object to its approval. The proposed increase in lot coverage is minor and will not significantly change the character of the neighbourhood. Furthermore, urban design staff and engineering staff reviewed the application and had no concerns.

Through the minor variance review, zoning staff confirmed that a small addition was previously constructed at the rear of the dwelling without a building permit. Staff have confirmed that no additional variances are required for the addition however, a building permit will be required. Planning staff request that the Committee add a condition that a building permit be obtained for the existing addition to the rear of the detached dwelling.

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 Owner provide the Town with a detailed grading plan, to the satisfaction of Development Engineering staff;
2. That a building permit application be obtained for the existing addition to the rear of the detached dwelling.
3. That a building permit application be obtained for the detached garage 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.

Natalie Stopar

Natalie Stopar, MCIP, RPP
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-067M - 43 Barton Street

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 maximum lot coverage of 28.55%, whereas the Zoning By-law currently permits 25% (an increase of 3.55%).

The subject property is known municipally as 43 Barton Street and is legally described as Lot 4 on Plan 392. Surrounding land uses primarily include low-density residential.

The property received Site Plan Approval for a two-storey dwelling with a patio at the rear in 2022. Since such time, the applicant has elected to cover the patio to provide shaded area - by virtue of doing this, the patio is then considered as a porch under the Zoning By-law and therefore contributes to the lot coverage calculation. As such, the applicant is requesting an increase in lot coverage of 3.55% to accommodate the proposed covered porch at the rear of the dwelling.

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

Zoning:

The subject lands are zoned as special Residential Low Density I (RLD 1*279). This Zone permits uses such as a single detached dwelling and accessory structures.

Section 6.2 Table 6B (I) of the Zoning By-law states that properties with a lot area between 680 square metres and 830 square metres shall have a maximum lot coverage of 25%. Given the proposed porch at the rear, the applicant is requesting to permit a total lot coverage of 28.55% (an increase of 3.55%).

The dwelling maintains all other zoning provisions.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 14, 2023. As of the writing of this report on, September 20, 2023, Staff have not received any comments from members of the public.

Given the dwelling is located within the Character Area, Policy and Urban Design Staff review the proposal and had no concerns; the porch does not impact the streetscape as the coverage is directed to the rear of the property.

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 an increase in lot coverage to permit a porch at the rear of the dwelling, which does not include a balcony above.

Planning Staff have reviewed the request for additional coverage and offer no objection. The porch itself does not impact the character of the surrounding area, nor does it create a privacy concern for adjacent land owners. Development Engineering expressed no concerns with the added coverage and run-off.

As such, Planning Staff offer no objection to the approval of this application. The variance is minor in nature, desirable for the development of the subject lands, maintains the intent of the Zoning By-law and conforms to the Official Plan.

Recommendation:

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

1. That the porch shall be located and constructed in accordance with the site plan and building elevations, prepared by Jeff Jansen Consulting, date stamped by Town Zoning on August 14, 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.

Rachel Suffern

Rachel Suffern, MPA, M.Sc. (PI)
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-071M - 130 Thompson Road

General Description of Application:

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

1. Allow a maximum of 873 units, where as the Zoning By-law currently permits 810 units (an increase of 63 units).

The subject property is known municipally as 130 Thompson Road South and is legally described as Part of Lot 13, Concession 3. The lands are generally located at the southwest corner of Thompson Road South and Drew Centre Drive. Surrounding land uses include commercial to the north, parkland to the east (Lions Sports Park), stormwater management pond to the west, and a rail corridor (Metrolinx and Canadian Pacific Rail) to the south.

On March 4, 2019, Council approved a privately initiated Official Plan amendment and Zoning By-law amendment to facilitate a mixed use development at 130 Thompson Road. Since such time, the applicant has submitted a Site Plan Application (SP-23/21) that is currently under review by Town Staff to focus on detailed design and site circulation. The applicant is proposing to construct a mixed-use development that is comprised of residential units, with below-grade parking facilities, and 1,156 square metres of at-grade commercial use.

A previous Minor Variance application was approved in April 2023. The relief that was approved facilitated the development in context of the subject lands, including: proximity to the adjacent rail corridor, alignment with the Milton Go MTSA Hub Study By-law 089-2022, and siting of the overall development.

The applicant has since revised the proposal so far as the unit count to increase the number of units from 810 to 873. This proposed change is in response to market conditions after the development went to sale in June 2023 and purchasers showed preference for reduced unit size in order to increase overall attainability and affordability.

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

The subject property is designated as Central Business District (CBD) with a Gateway overlay on Schedule B - Urban Land Use Plan. Schedule C - Central Business District Land Use Plan further identifies these lands as Urban Growth Centre Mixed Use Sub Area. Schedule C.7.A.1 CBD - Central Business District Secondary Plan identifies a Gateway overlay on the site. The CBD and secondary designations permit a range of commercial and office uses, along with residential uses.

In 2019, the applicant received approval for their privately-initiated Local Official Plan Amendment #53 (LOPA 53) for various site-specific policy updates, including a maximum density of 524 units per hectare or height of 31 storeys of residential buildings.

On February 28, 2022, the Town of Milton Council passed Local Official Plan Amendment #70 (LOPA 70) - this amendment implemented policy direction informed by the Milton Go MTSA Study. Policy updates included the addition of height and density limits, along with efforts to enhance the overall MTSA area, with the goal of supporting transit-friendly, complete communities. LOPA 70, and the associated Zoning By-law Amendment, also included policies to clarify *how* density is evaluated for a site.

On Schedule C.7.A1 CBD of the Town's Official Plan, implemented through LOPA 70, the subject lands are permitted to have buildings with a maximum height of 31 storeys for residential area and Floor Space Index (FSI) of 6.0.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended, given that the mixed-use proposal maintains supported uses set-out in the primary and secondary designations and that the proposed maximum height of 31 storeys applies to the residential portions of the buildings. While the development's density was not initially calculated based on FSI in the site-specific special policy area (LOPA 70), through current Official Plan policy for the MTSA area, the established standard to do so is through FSI. Accordingly, the current development proposes an FSI of 5.78 and maintains the spirit of the Official Plan.

Zoning:

The subject lands are zoned as Urban Growth Centre - Mixed Use *258 (MGC-MU*258) under the Town of Milton Urban Zoning By-law 016-2014, as amended. This zone permits a range of commercial uses and high-density residential uses.

The *258 site specific zone standards set-out the following so far as size of a development on the site:

- a. Maximum number of dwelling units is 810 units.
- b. The maximum permitted gross floor area of all buildings and structures on the lands is 88,000 square metres.
- c. The maximum lot coverage shall be 70%.
- d. Maximum height of all buildings is 31 storeys and 100 metres.

Relief from the Zoning By-law is required to accommodate the addition of units to Towers 2 and 3. The floorplates within towers will be re-configured to include 11 units per floor, rather than the current 9 to 10 units.

Provisions within Zoning By-law Amendment 089-2022 (Milton Go MTSA Study Zoning By-law Amendment) are not automatically applied to these lands as the concurrent Site Plan Application was submitted prior to the date in which By-law 089-2022 came into force and effect. Section 1.11 of Zoning By-law 016-2014 includes a transition provision that permits a Site Plan Application submitted before the date in which new provisions take force and effect, to be considered under the Zoning By-law provisions that were in-effect on the date the application was submitted. Therefore, while the provisions within By-law 089-2022 are not applied to the site, the applicant is requesting relief with respect to the proposed density and seeks to forgo the consideration of density based on a unit-per-

hectare evaluation (implemented through the privately initiated ZBA and OPA) and instead align with the FSI ratio set-out throughout the MTSA on Schedule D1 - Central Business District (Building Heights) within the Zoning By-law 016-2014. Through the MTSA provisions, the permitted FSI for 130 Thompson Road is 6.0 and the development being proposed has an FSI of 5.78.

The added units create no other zoning deficiencies on the site, including parking requirements or gross floor area.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 14, 2023. As of the writing of this report on, September 20, 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.

Both Development Engineering and Halton Region Staff noted that approval from the adjacent rail corridor operator be received before the development proceeds. Planning Staff are satisfied that both Canadian Pacific Rail and Metrolinx has been made aware of the proposal and have offered no objection - both agencies are engaged through the concurrent Site Plan Application review.

The Site Planner reviewing file SP-23/21 is satisfied that the application has reached a satisfactory stage where the minor variance can proceed.

Development Review Comments:

The proposed development includes three towers with a three-storey podium and commercial at-grade. The development has a total gross floor area of 87,295 square metres and Floor Space Index (FSI) of 5.78. The applicant's request for additional units results in a total of 873 units (increase of 63).

The original Official Plan Amendment (LOPA 53) set-out both the total gross floor area of the site, along with a metric for which density shall be measured (units per hectare). Since such time, the Milton Go MTSA Study has updated both the Official Plan and Zoning By-law for the area surrounding the transit hub - including how density and built form shall be envisioned and measured. Rather than including a unit-per-hectare based approach, the Milton Go MTSA Study recommended that FSI and maximum height better represents how to evaluate the appropriateness of built form on a site - regardless of unit count. A Floor Space Index (FSI) ratio intends to measure the built form in relation to the overall lot size to ensure the development is appropriate in context of the property. Through the Milton Go MTSA Study, Staff were of the opinion that the area was well positioned to accommodate additional height, given its location away from existing established neighbourhoods, proximity to the station and relatively central location. The permitted FSI for 130 Thompson Road is 6.0 and the development being proposed has an FSI of 5.78.

While the proposed unit count differs from that which was approved through the privately initiated LOPA and ZBA, the built form maintains the vision for and approach to the MTSA area. Further, it does not result in overdevelopment of the lands which the original planning applications sought to ensure through the unit-per-hectare metric. The site maintains the maximum gross floor area provision of 88,000 square metres set-out in the site-specific zoning. Further, should the applicant have applied for Site Plan Approval today, the lands would be considered under the current Milton Go MTSA Study provisions - including the maximum FSI metric. Ultimately, the additional units do not impact the site physically, beyond the internal re-configuration of floor plans - the approved built form (i.e. tower height and footprint) will not change. All other zoning provisions are maintained and there is no impact anticipated as a result from the additional units beyond what is currently proposed. It is the opinion of Staff that the development and variance maintains the intent and spirit of the applicable Official Plan and Zoning By-law policies.

Based on the aforementioned, Planning Staff have reviewed the requested variance and offer no objection. The additional units do not impact the physical built-form of the development, nor the functionality of the site, and ultimately contributes to increased housing supply and attainability within the overall MTSA area. Therefore, Planning Staff are of the opinion that the variance being requested is desirable for the development of the subject lands, minor in nature, and maintains the intent of both the Official Plan and Zoning By-law.

Recommendation:

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

1. That Site Plan Approval be granted prior to Building Permit Issuance.
2. That a Building Permit 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 Building Permit is not secured.

Rachel Suffern

Rachel Suffern, MPA, M.Sc (PI)
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-072M - 741 Scott Boulevard

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 on a residential driveway to have a length of 4.94 metres, whereas the Zoning By-law requires 5.5 metres (a reduction of 0.56 metres).

The subject property is known municipally as 741 Scott Boulevard and is legally described as Lot 175 on 20M-1019. Surrounding land uses primarily include low density residential, including single detached dwellings and townhomes. The subject lands currently contain a single detached dwelling with a one car garage.

The applicant is seeking to construct a secondary dwelling unit in the form of a basement apartment. To comply with the zoning criteria relating to additional dwelling units, the applicant is seeking to reduce the length of one parking space on a residential driveway to establish a third parking space.

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

The subject property is designated as Residential on Schedule B - Urban Land Use Plan on the Town of Milton Official Plan. This designation allows secondary dwelling units, such to the following provisions:

- 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 can be satisfied; and,
- e) the existing dwelling is not within the Regulatory Flood Plain.

The site does not offer adequate parking given the proposed third space is deficient in accordance with provisions of the Zoning By-law. As such, it is Staff's opinion that the proposal is not in conformity with the Town of Milton Official Plan, as amended.

Zoning:

The subject lands are zoned as Residential Medium Density I (RMD1) within the Town of Milton Urban Zoning By-law 016-2014, as amended.

Section 4.10 of the Zoning By-law sets-out the following provisions for secondary/accessory dwelling units:

- 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 waste water services; and,
- iv) The accessory dwelling unit shall not exceed a maximum size of 85 square metres.

To achieve compliance with Section 4.10 (ii), the applicant is seeking the following relief from the Zoning By-law:

Section 5.6.2 i) of the Zoning By-law states 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."* Based on the existing driveway and location of the porch, the applicant is seeking to reduce the required parking space length by 0.56 metres, resulting in a 4.94 metre width for the third space.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 14, 2023. As of the writing of this report on, September 20, 2023, Staff have not received any comments from members of the public.

Agency Consultation

Development Engineering provided comments and objects to the approval of this variance. Staff do not support the parking of a vehicle on the public right-of-way and any vehicle hang-over onto the sidewalk may impact general operations, such as snow removal.

Planning and Development Department Comments:

In an effort to create a secondary dwelling unit, the applicant is seeking to reduce the required length of a parking space by 0.56 metres. The resultant length of the parking space would be 4.94 metres.

The proposed third parking space (located on the driveway extension in front of the porch) would compromise the type of vehicle able to park in the space and possess a significant risk of a vehicle hanging over onto the public right-of-way which will compromise routine maintenance operations, such as snow removal. For context, the average pick-up truck or large SUV is 6.0 metres. Planning Staff are of the opinion that the requested 4.94 metres is not sufficient to accommodate the parking of a vehicle entirely on private property. Further, it restricts the type of vehicle that can functionally park on the site, which restricts potential tenants.

In addition, the proposed siting of the third space creates a safety concern so far as safe access to and from the driveway, given the third vehicle blocks a clear pathway to the front porch.

Based on the aforementioned, Planning Staff do not support the requested relief. The variance is not minor in nature, does not maintain the intent of the Zoning By-law and Official Plan, and is not desirable for the development of the subject lands. Therefore, Planning Staff are recommending that this application be denied.

Recommendation:

THAT the application for minor variance **BE DENIED**.

Rachel Suffern

Rachel Suffern, MPA, M.Sc. (PI)
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-073M - 12600 Sixth Line Nassagaweya

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variance to Zoning By-law 144/-2003, as amended, has been requested to:

- Allow a front yard setback of 20 metres, whereas the Zoning By-law requires 23.5 metres (a reduction of 3.5 metres).

The subject property is known municipally as 12600 Sixth Line Nassagaweya and is legally described as Part of Lot 24 on Concession 6. Surrounding land uses include agricultural lands, single detached dwellings on existing lots and natural heritage features.

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

The subject property is designated as Agriculture within the Town of Milton Official Plan. This use permits single detached dwellings on existing lots of record.

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

Zoning:

The subject lands are zoned as Rural (A2) and Greenlands A (GA). A single detached dwelling is permitted on an existing lot of record within the A2 Zone. The existing dwelling and addition would be located entirely within the A2 Zone.

Section 10.2 Table 10B of the Zoning By-law requires a front yard setback of 23.5 metres in the A2 Zone where the dwelling is situated. To accommodate the proposed siting of the addition, the applicant is seeking to reduce the front yard setback to 20 metres.

All other zoning provisions are maintained.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 14, 2023. As of the writing of this report on, September 20, 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.

Given the lands are regulated, Conservation Halton has issued a Letter of Permission for the proposal and offers no objection.

Planning and Development Department Comments:

The subject lands currently contain a two storey dwelling and a detached garage. To provide the owner with additional living space, the applicant is proposing a one storey addition.

The addition seeks to maintain a consistent setback with the existing dwelling. To do so, the footprint of the addition would be deficient so far as the required front yard setback. Given the dwelling is already existing, it is desirable from an urban design perspective to maintain existing setbacks. Further, the existing setback is still large and does not impact the right-of-way nor the privacy of adjacent landowners. The reduction of 3.5 metres is negligible.

Based on the aforementioned, Planning Staff offer no objection to the approval of this application. The variance is minor in nature, desirable for the development of the subject lands, and maintains the intent of the Zoning By-law and 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

Rachel Suffern

Rachel Suffern, MPA, M.Sc. (PI)
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-070/M 174 Martin Street

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variance(s) to Zoning By-law 016-2014, as amended, has been requested to permit a detached garage:

1. To allow the unobstructed length of a parking space in a garage to be 5.2 metres, whereas an unobstructed length of 5.3 metres is required, a difference of -0.1 metres;
2. To allow the detached garage to be located 1.0 metres from the principle building on a lot, whereas a setback of 1.2 metres from the garage to the principal building is required, a difference of -0.2 metres; and
3. To allow the lot coverage to be 23.75%, whereas lot coverage of 20% is required, a difference of +3.75%.

The subject property is known municipally as 174 Martin Street and located on the entrance corner of Martin Street Public School. The subject property contains a single-detached dwelling with a detached garage as well as a pool and shed. The applicant is proposing to remove the existing detached garage and replace it with a newly constructed detached garage. The garage will provide parking for one vehicle as well as personal storage.

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 associated accessory structures.

The property is also located within a Mature Neighbourhood Area on Schedule F of the Town of Milton Zoning By-law 016-2014. On October 19th, 2020 Milton Council passed Official Plan Amendment No. 60 and an accompanying Zoning By-law Amendment for the Downtown Character Area in accordance with the Mature Neighbourhoods Character Study. The Official Plan Amendment updated the Town's policies to better manage development in Mature Neighbourhood and Character Areas, and the Zoning By-law Amendment introduced new standards that apply to low-density residential development in the Downtown Character Area.

The Official Plan policies intend for Mature Neighbourhood Areas around the Central Business District to remain relatively stable. The policies specify that in these areas, infill and development must be compatible with and respectful of the existing neighbourhood character.

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 Low Density One (RLD1) under the Town of Milton Zoning By-law 016-2014, as amended. The RLD1 zone permits a variety of residential uses, including detached dwellings as well as accessory structures.

Variance 1 - Unobstructed Parking Space Length in a Garage

Section 4.2.2.1 v) of the Zoning By-law states that the minimum unobstructed length of a parking space in a garage is 5.3 metres. The applicant is requesting permission to allow the unobstructed length of a parking space in a garage to be 5.2 metres, a difference of 0.1 metres.

Variance 2 - Detached Garage Location

Section 4.2.2.2 ii) b) of the Zoning By-law states that a detached garage must be located no closer than 1.2 metres from the principle building on a lot. The applicant is requesting permission to allow the detached garage to be located 1.0 metres from the principle building, a difference of - 0.2 metres.

Variance 3 - Lot Coverage

Section 6.2 Table 6B(I) of the Zoning By-law states that the maximum permitted lot coverage for lots with an area greater than 830 square metres is 20%. The applicant is requesting permission to allow the lot coverage to be 23.75%, a difference of +3.75%.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on September 14, 2023. As of the writing of this report on September 20, 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. Policy staff did review the application and confirmed that there are no urban design or heritage concerns with the proposed development. Development Engineering staff confirmed that the applicant will require to provide grading information during the Building Permit process.

Planning and Development Department Comments:

The applicant has requested a minor variance to facilitate the construction of a proposed detached garage to replace an existing detached garage.

Variance 1 - Unobstructed Parking Space Length in a Garage

The applicant is requesting permission to allow the unobstructed length of a parking space in a garage to be 5.2 metres, a difference of 0.1 metres. Planning staff are of the opinion that the proposed reduction is minor in nature and will not negatively impact the function of the detached garage. The proposed garage as well as the existing driveway provides adequate parking for multiple cars and there will be no impact to the surrounding area.

Variance 2 - Detached Garage Location

The applicant is requesting permission to allow the detached garage to be located 1.0 metres from the principle building, a difference of - 0.2 metres. The applicant did confirm the proposed location for the detached garage is to provide a sufficient distance between the structure and the existing pool and outdoor living area. Planning staff are of the opinion that the proposed garage location is reasonable and will not negatively impact or alter the property.

Variance 3 - Lot Coverage

The applicant is requesting permission to allow the lot coverage to be 23.75%, a difference of +3.75%. Planning staff are of the opinion that the proposed detached garage is compatible with and sympathetic to the existing dwelling and built form in the neighbourhood. The increase in lot coverage is minor in nature and the proposed detached garage is an appropriate size for the lot and does not result in overbuilding. As noted above, Policy staff did confirm that the proposed increase in lot coverage did not have a negative impact from a heritage or urban design perspective.

Planning staff have reviewed the requested variances and offer no objection to their approval. Planning staff are of the opinion that the requested variances are minor in nature, conform 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 detached garage shall be located and constructed in accordance with the site plan and building elevations, prepared by TBPG Drafting & Design date stamped by Town Zoning on August 14, 2023.
2. That a grading plan be provided to the satisfaction of Development Engineering 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-065M 435 Tilt Point

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:

- Requesting permission to allow the width of the residential driveway to be 2.7 metres, a difference of -0.05 metres

The subject property is known municipally as 435 Tilt Point and located on the north side of Landsborough Avenue. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised 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.

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, 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. The subject lands are located in close proximity to

municipal transit and 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*114) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*114 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 2.7 metres, a difference of - 0.05 metres, to facilitate the proposed development.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 14, 2023. As of the writing of this report on September 20, 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 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, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by -0.05 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles.

It should also be noted that the accessory apartment will be accessed through an entrance in the side yard and the external character of the single-detached dwelling will not be negatively impacted. Further, Planning Staff note that a minor variance was not required for the proposed entrance in the side yard.

Planning Staff have reviewed the request to reduce the size of the parking space and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, 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.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding 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.

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 RJ CAD Solutions, date stamped by Town Zoning on August 21, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-066M 1499 Kitchen Court

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:

- Requesting permission to allow the width of the residential driveway to be 2.44 metres, a difference of -0.31 metres

The subject property is known municipally as 1499 Kitchen Court and located on east side of Kovachik Boulevard and east side of Kitchen Court. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised 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.

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, 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. The subject lands are located in close proximity to

municipal transit and 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*220) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*220 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 2.44 metres wide by 5.5 metres in length, a difference of -0.31 metres per parking space, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on September 14, 2023. As of the writing of this report on September 20, 2022, 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 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, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by- 0.31 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles.

It should also be noted that the accessory apartment will be accessed through an existing entrance in the side yard and the external character of the single-detached dwelling will not be negatively impacted.

Planning Staff have reviewed the request to reduce the size of the parking space and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, 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.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding 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.

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 Noble Prime Solutions Ltd., date stamped by Town Zoning on August 14, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-069M - 305 Nairn Circle

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:

- Requesting permission to allow the width of the residential driveway to be 2.55 metres, a difference of -0.2 metres

The subject property is known municipally as 305 Nairn Circle and located near the corner of Nairn Circle and Savoline Boulevard. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised 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.

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, 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. The subject lands are located in close proximity to

municipal transit and 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*114) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*114 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 2.55 metres wide by 5.5 metres in length, a difference of -0.2 metres per parking space, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 14, 2023. As of the writing of this report on September 20, 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. It's noted that a building permit must be received prior to commencing construction of the accessory dwelling unit.

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, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by -0.2 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles.

It should also be noted that the accessory apartment will be accessed through an entrance in the rear yard and the external character of the single-detached dwelling will not be negatively impacted. Further, Planning Staff note that a minor variance was not required for the proposed entrance in the side yard.

Planning Staff have reviewed the request to reduce the size of the parking space and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, 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.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding 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.

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 Mechways Inc., date stamped by Town Zoning on August 11, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-062M 933 Maple Avenue

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 below grade entrance (basement walkout):

- Requesting permission to allow stairs, below grade accessing a principal building to encroach into the required interior side yard 1.02 metres, a difference of -0.18 metres

The subject property is known as 933 Maple Avenue and is located on the corner of Maple Avenue and Thompson Road North. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential as well as commercial uses on the other side of Thompson Road North.

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 associated accessory structures. 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 as Residential Low Density Seven (RLD7) with site specific provisions. Single detached dwellings and accessory dwelling units are permitted.

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 interior 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 interior side yard at 1.02 metres, whereas 1.2 metres is required, a difference of -0.18 metres.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on September 14, 2023. As of the writing of this report on September 20, 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, in the interior side yard. The request has come forward as the homeowner is finishing their basement and their renovation plans include an entrance (basement walkout).

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 interior 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 interior side yard at 1.02 metres, whereas 1.2 metres is required, a difference of -0.18 metres.

Planning staff are of the opinion that the encroachment into the interior 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 below grade stairs shall be generally located and constructed in accordance with the site plan, prepared by iTiBuilding Permit Designer Inc. date stamped by Town Zoning on August 14, 2023;
2. That a building permit application 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-064/M - 1046 Easterbrook 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:

- Requesting permission to allow the width of the residential driveway to be 2.59 metres, a difference of 0.16 metres

The subject property is known municipally as 1046 Easterbrook Crescent and located at the corner of the Crescent parallel to Louis St. Laurent Avenue. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised 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.

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, 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. The subject lands are located in close proximity to

municipal transit and 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) 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. 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 2.59 metres wide by 5.5 metres in length, a difference of -0.136metres per parking space, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on September 14, 2023. As of the writing of this report on September 20, 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 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, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by -0.16 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles.

It should also be noted that the accessory apartment will be accessed through an entrance in the rear yard and the external character of the single-detached dwelling will not be negatively impacted. Further, Planning Staff note that a minor variance was not required for the proposed entrance in the side yard.

Planning Staff have reviewed the request to reduce the size of the parking space and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, 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.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding 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.

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 Mechways Inc., date stamped by Town Zoning on September 5, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-068/M - 1074 Job 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 a secondary dwelling unit:

- Requesting permission to allow the width of the residential driveway to be 2.69 metres, a difference of -0.06 metres

The subject property is known municipally as 1074 Job Crescent and located towards the corner of Job Crescent and Bessoborough Drive. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised 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.

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, 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. The subject lands are located in close proximity to

municipal transit and 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) 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. 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 2.69 metres, a difference of -0.06 metres per parking space, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on September 14, 2023. As of the writing of this report on September 20, 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 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, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by -0.06 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles.

It should also be noted that the accessory apartment will be accessed through an entrance in the rear yard and the external character of the single-detached dwelling will not be negatively impacted. Further, Planning Staff note that a minor variance was not required for the proposed entrance in the side yard.

Planning Staff have reviewed the request to reduce the size of the parking space and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, 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.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding 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.

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 Raj Balasundaram, date stamped by Town Zoning on August 16, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-063/M 1283 Kovachik Boulevard

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:

- Requesting permission to allow the width of the residential driveway to be 2.52 metres, a difference of -0.23 metres per parking space.

The subject property is known municipally as 1283 Kovachik Boulevard and located near the corner of Kovachik Boulevard and Bellflower Court. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised 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.

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, 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. The subject lands are located in close proximity to

municipal transit and 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*296) 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. 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 2.52 metres wide by 5.5 metres in length, a difference of -0.23 metres per parking space, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on September 14, 2023. As of the writing of this report on September 20, 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 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, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by -0.23 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces. The minimum width cannot be accommodated on site because of an architectural pillar that exists.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles.

It should also be noted that the accessory apartment will be accessed through an entrance in the side yard and the external character of the single-detached dwelling will not be negatively impacted. Further, Planning Staff note that a minor variance was not required for the proposed entrance in the side yard.

Planning Staff have reviewed the request to reduce the size of the parking space and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, 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.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding 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.

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 Mechways Inc., date stamped by Town Zoning on August 14, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP
Planner, Development Review

September 20, 2023



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-061 823 Whitlock Avenue

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variance(s) to Zoning By-law 016-2014, as amended, has been requested to permit a secondary dwelling unit:

- Requesting permission to allow the width of the residential driveway to be 2.65 metres, a difference of - 0.10 metres per parking space.

The subject property is known municipally as 823 Whitlock Avenue and is located east of Walnut Landing and on the north side of Whitlock Avenue adjacent to the neighbourhood park. The subject property contains a single-detached dwelling with an attached two-car garage. Surrounding uses are residential and is primarily comprised 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.

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, 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. The subject lands are located in close proximity to municipal transit and 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*264) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1*264 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 2.65 metres, a difference of -0.10 metres per parking space, to facilitate the proposal.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on September 14, 2023. As of the writing of this report on, September 20, 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 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, in addition to the two parking spaces required for the primary dwelling unit.

The applicant is requesting permission to reduce the size of a parking size by -0.10 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces.

The minimum parking space size requirement in the zoning by-law ensures that adequate space is available for vehicles to park, and be functional for access. The driveway is proposed to remain in its current state, in which the owner has demonstrated the ability to adequately park two vehicles. And, despite being deficient in the minimum width required by the zoning by-law, the driveway is currently being used to park two vehicles.

It should also be noted that the accessory apartment will be accessed through an entrance in the side yard and the external character of the single-detached dwelling will not be negatively impacted. Further, Planning Staff note that a minor variance was not required for the proposed entrance in the side yard.

Planning Staff have reviewed the request to reduce the size of the parking space and offer no objection to the proposed variance approval. In regards to the proposed driveway reduction, 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.

As such, the proposed development is appropriate for the efficient use of the land by providing an accessory dwelling unit which contributes to housing affordability, will not result in overbuilding 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.

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 RJ Cad Solutions, date stamped by Town Zoning on August 14, 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.

Taylor Wellings

Taylor Wellings, MSc (PI), MCIP, RPP
Planner, Development Review

September 20, 2023