



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

Thursday, November 30, 2023, 6:00 p.m.  
Council Chambers - In Person

The Town of Milton is resuming the Committee of Adjustment and Consent (COA) meetings in person as of January 26, 2023. Applicants and interested parties can participate in person at Town Hall, Council Chambers, 150 Mary Street.

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A single-detached has been approved for the subject property but has not yet been constructed. The single-detached dwelling will contain a two-car garage. Due to the subject property layout, the applicant is proposing the bay box/window and stair projections to be permitted into the interior side yard.
- 4.12 A23-097M 1680 Sauble Court 55  
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.
- 4.13 A23-098M 1399 Buckthorn Garden 58  
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.
- 4.14 A23-099M - 1316 Hamman Way 61  
A minor variance is being requested to legalize two parking spaces within the driveway. Given the existing size of the driveway, a reduction of width for each space is required, resulting in a 2.54 metres width for a parking space located on a residential driveway.

**5. NEXT MEETING**

Thursday, December 14, 2023, commencing at 6:00 p.m.

**6. ADJOURNMENT**



The Corporation of the  
Town of Milton  
Committee of Adjustment Minutes

October 26, 2023, 6:00 p.m.

Members Present: Chair Kluge, Tyler Slaght, Christopher Trombino, Tharushe Jayaveer, Salman Ellahi,

The Committee of Adjustment for the Corporation of the Town of Milton met in regular session. Electronically via Live Streaming Video.

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1. **AGENDA ANNOUNCEMENTS / AMENDMENTS**

There were no agenda announcements/amendments.

2. **DISCLOSURE OF PECUNIARY INTEREST**

Member Slaght declared a pecuniary interest for application, file number A23-085/M, municipal address: 13311 Sixth Line Nassagaweya, as he works for Grand River conservation who commented on the application.

Member Ellahi declared a pecuniary interest for application, file number A23-051/M, municipal address: 1339 Chretien Steet, as the drawings were prepared by his office.

3. **REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS**

3.1 **A23-082/M 4250 Donaldson Lane**

Application A23-082/M, municipal address: 4250 Donaldson Lane has been deferred until a later date. Public notice will be sent out when this application proceeds.

4. **MINUTES**

**BE IT RESOLVED THAT**

1. The MINUTES of Milton Committee of Adjustment and Consent Meeting held on Thursday, September 28, 2023 BE APPROVED.

**Carried**

**5. HOUSEKEEPING ITEMS**

Chair Kluge provided an overview of the housekeeping items.

**6. ITEMS FOR CONSIDERATION**

**6.1 A23-074/M - 629 Trudeau Drive**

The agent for the applicant, Malav Shah, address: 83 Garth Massey Drive, Cambridge provided an overview of the application.

**Questions to the Agent**

Member Ellahi inquired, as mentioned in the drawings if a part of the driveway would be removed and put landscape back in. Agent Shah stated that is correct.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23- 074/M) for 629 Trudeau Drive in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the minimum required 0.6 metre permeable residential landscape surface abutting the interior side lot line be reinstated in accordance with the Zoning By-law;
2. That a building permit application for the accessory apartment be obtained within two (2) years from the date of this decision; and
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a building permit is not secured.

**Carried**

**6.2 A23-077/M - 442 Cedric Terrace**

Owner, Majid Shamil, address: 442 Cedric Terrace provided an overview of the application.

## **BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23- 077/M) for 442 Cedric Terrace in the Town of Milton **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 Majid Shamil, date stamped by Town Zoning on September 8, 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.

**Carried**

### **6.3 A23-084/M - 11295 Guelph Line**

Agent for the applicant, Amritpal Bansal, address: 106 Fruitvale Circle, Brampton, provided an overview of the application.

#### **Public Participation**

Sheila Isnor, address: 11289 Guelph Line Campbellville, the neighbour directly beside asked the committee why the existing house is not going to be taken down (it is a heritage house, but it is not designated). She claimed this house already has a well and a weeping bed, which she can understand the weeping bed is not big enough to accommodate the new house. She is concerned about having two dwellings on the property. As of right now, there is a natural water waste that goes there, that abuts to her property, and the properties between herself and the park entrance, so when the subject properties' culvert is blocked with construction, the culvert is not going to have a happy life, as there is already flooding as it is, and will continue to be flooding. The drawings show the new weeping bed is going to be at the back half the house and up a hill, which is the highest point between the school and the park, thus the weeping bed will be up pretty high. The drawing shows they are going to be putting in another well which in turn could affect the neighbouring properties, as there is already a well on the property that works for the house. The

drawings also show the existing septic and the existing septic beds and tanks are going to stay, if the existing house is no longer going to be used as a house, and rather storage then why does the owner need weeping beds. Overall, the member has concerns about the water table that's going to get affected by there being a second well.

Bob Violet, address: 11453 Guelph Line representing his mother who lives at 11261 Guelph Line. His mother is concerned on why the owner is keeping the existing house, and there being constant flooding. He claimed it took the town 3 years to clear a culvert near his own property, and thus his mother is concerned that she is going to get flooded out. She is also concerned someone is going to get hurt in the existing dwelling.

Nawar Danou, address: 11277 Guelph Line addressed the flooding situation. He echoed the same concerns around the septic and well, and the second well being put in. But in addition to that, he is concerned about the water and flooding issue and the fact the grading of the house may have not been taken into consideration. Member Ellahi asked the member of the public if he could show the committee how the flooding is happening. The member of the public projected the drawing and illustrated to the committee where the flooding is coming from.

Julia Doma, address: 11269 Guelph Line reiterated how the subject property owner's culvert travels through all of the properties, which is her main concern of the flooding. She also believes having a second water well, would tap into all of the veins of the neighbouring properties water wells, and they should just keep the existing well that is there. She stated the house is a single resident property, by keeping the existing house on the property, would potentially allow the property to be a two-family dwelling.

Kevin Isnor address: 11289 Guelph Line believes by allowing the owners to keep the original property as means for storage, will ultimately put a house in his front yard and back yard. He stated he has no objections to the owners building a new home, but the old home on the property needs to be torn down and the new house needs to be built without all of these variances.

#### **Comments from agent Amritpal Bansal**

Firstly, the agent does recognize the property land is high at the back and low at the front, thus there is an unnatural drainage pattern that occurs. The construction of the new house will help the water drainage problem

that is already there. The owner does have a grading plan that is prepared and the on the property line the water drains to the front rather than the sides of the property. All the water is contained as much as possible without disrupting the natural flow within the owner's property.

In regard to the existing septic and well, the existing dwelling is going to be converted into an accessory structure, thus there is a condition it is going to be de-commissioned.

The new water well is being made as it needs to be closer to the proposed dwelling. The older water well is a dogged out well, whereas the new standards a drilled well is much for more efficient for a new home, which is what the new well will be.

In terms of the existing dwelling and converting into an accessory dwelling, the owner actually does not want to convert it. Rather they were advised by Town Staff that the existing dwelling is a property of interest, thus they had to get a heritage impact assessment report done, and thus town staff claimed it could possibly become a designated heritage home.

Member Ellahi inquired if the new dwelling would be the primary dwelling for the resident. The agent claimed once the dwelling is completed, and the original dwelling is converted to an accessory unit, the tenants currently living there would have to leave, and the owner of the property would move into the new dwelling unit.

Chair Kluge asked, until the new house is built the tenants will continue living in the existing house, which is why they still need the well and septic. But once the new home is completed and the owner moves in, the well and septic connected to the existing dwelling would be de-commissioned. The agent claimed that is correct.

### **Questions to Planner Taylor Wellings**

Member Trombino asked Planner Wellings to clarify if the new dwelling that is being proposed would be allowed without a minor variance, subject to the existing home being demolished. Planner stated the proposed dwelling, meets all zoning provisions for that zone, except for the building height. The size of the dwelling is permitted, and the lot coverage is 10% and the property is allowed up to 20% in the zone.

Member Ellahi inquired about the existing barn, that would be demolished to make room for the proposed house, and whether or not that was taken into consideration with the heritage assessment. Planner Wellings stated



the heritage planner reviewed the file in its entirety and it was noted the existing barn does not have heritage value, which is why it can be demolished. Member Ellahi also inquired about the culvert is proposed in the middle of the lot, is for the purpose of drainage from the barn and from the property within. Planner Wellings stated the engineering department did review the application and the homeowner will be required to provide a stormwater brief as part of the building permit process and a grading plan, thus any issues would be sorted out at the building permit stage. Engineering staff need to be satisfied that any runoff or stormwater issues will be dealt with on site, and thus they don't have any concerns.

Member Jayaveer inquired if the region would do any assessments of the well prior to the building permit stage. Planner Wellings stated the regional staff will require a hydro archaeology study, which will be completed prior to the building permit process, which is tied back to stormwater management and ensuring any issues are dealt with prior to building permit approval. Member Jayaveer also asked Planner Wellings to speak about the heritage value of the existing dwelling. Planner Wellings stated this home was identified and is a listed property through their heritage registrar. It is not designated, rather it is a volunteer process to be designated. The town has made the homeowner aware and has the information available should they choose to designate the property. Overall, the town believes there is value in keeping the home, in particular the style of home and the window features are significant.

Chair Kluge asked who owns the culvert. The audience claimed it is a private culvert and not owned by the town. Planner Wellings stated, she is happy to bring any issues with the culvert back to engineering staff and they can set up a meeting if needed. Chair Kluge also inquired as stated in the report the house is being taken off the heritage list, and this he asked if it does or doesn't have heritage value. Planner Wellings claimed there has been a change made to Bill-23, as of right now the property is listed and it can be designated, and the town's goal is to see the property designated. However, because of these recent changes, if the property is not designated by January 2025, it can be demolished at any time. Thus, the town's goal is to see the property designated before 2025 because of these provincial changes. Chair Kluge also inquired if conditions 6. C and 6.D and whether or not those are they would not be able to be cleared since the owner does not plan to demolish the existing building. Planner Wellings stated those conditions will actually be able to be cleared as the

kitchenette and bathrooms in the existing dwelling will need to be removed and thus, she would like to keep those conditions.

Member Trombino asked for clarification on condition #5, and if it means the servicing including on the existing well would be removed at time of de-commissioning and the same time the washrooms and kitchenette would be removed from the existing dwelling. Planner Wellings stated that is correct, and thus the wells and septic systems will be de-commissioned and there will only be one on the property.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-084/M) for 11295 Guelph Line in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the proposed development shall be located and constructed in accordance with the site plan and building elevations, prepared by Khalsa Design Inc. date stamped by Town Zoning on August 29, 2023.
2. That a Building Permit be applied for and received prior to construction of the new single detached dwelling and a permit be received for the existing detached dwelling prior to conversion.
3. That prior to Building Permit issuance, a demolition Permit be obtained prior to the removal of the existing 'Barn'.
4. That the heritage dwelling be used for personal use and living space and will not be used for human habitation.
5. That prior to Building Permit issuance, Town Staff confirm the appropriate private site servicing scheme for the proposed development and any services that will not be used or are connected to the existing detached dwelling will be decommissioned.
6. That prior to Building Permit issuance for the new single-detached dwelling, the applicant must provide a Letter of Undertaking to the Town of Milton agreeing to:
  1. Provide a performance guarantee in the amount of \$10,000.00 to ensure the conversion of the existing single detached dwelling upon completion of the new dwelling.

2. Discontinue the residential use of the existing single detached dwelling upon occupancy of the new dwelling.
  3. Obtain a Building Permit for the demolition of the existing dwelling prior to occupancy being granted for the new single detached dwelling.
  4. Complete all works associated with the demolition of the existing detached dwelling within 90 days of occupancy being granted for the new single detached dwelling.
7. 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.

**Carried**

#### **6.4 A23-085/M 13311 Sixth Line Nass**

Agent for the applicant, Justine Nigro, address: 234 Nelson Street, Stratford provided an overview of the application.

##### Questions to the Agent

Member Ellahi inquired if the new extension of the existing garage is only for the purpose of storage. Agent Justine Nigro stated it is indeed for storage only.

##### **BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-085/M) for 13311 Sixth Line Nassagaweya in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That a building permit be obtained for the existing cabana;
2. That a building permit application be obtained within two (2) years from the date of this decision for the addition to the detached garage; 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,

Carried

**6.5 A23-087/M - 1379 Marshall Crescent**

Owners, Jim Owen and Kayla Corkum, address: 1379 Marshall Crescent provided an overview of the application.

**Questions to the Owner**

Member Ellahi inquired how the far the structure is from the property line. The owner's stated the structure is one metre from the property line.

Member Trombino inquired if the structure is in its finished condition. The owners stated it is in its finished condition.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-087/M) for 1379 Marshall Crescent in the Town of Milton **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.

Carried

**6.6 A23-051/M - 1339 Chretien Street**

Owner, Samad Siwani, address: 1339 Chretien Street, provided an overview of the application.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-051/M) for 1339 Chretien Street in the Town of Milton **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.

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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.

**Carried**

**6.7 A23-076/M - 406 Nakerville Crescent**

Imran Khan, agent for the applicant, address: 2237 Colonel William Parkway Oakville provided an overview of the application.

**Questions to Planner Taylor Wellings**

Chair Kluge inquired about the extended existing wooden fence is in compliance with any sort of fence By-law, Planner Wellings stated it is in compliance.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23- 076/M) for 406 Nakerville Crescent in the Town of Milton **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 Imran Khan, date stamped by Town Zoning on September 15, 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.

**Carried**

**6.8 A23-078/M 588 Boyd Lane**

The owners, Sherif Mikhail and Carmen Abdelsayed, address: 588 Boyd Lane provided an overview of the application.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-078/M) for 588 Boyd Lane in the Town of Milton **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 Sherif Mikhail, date stamped by Town Zoning on September 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.

**Carried**

**6.9 A23-079/M - 750 Fourth Line**

The owner, Gopinathan Venkitapathy, address: 750 Fourth Line provided an overview of the application.

**Questions to Planner Taylor Wellings**

member Ellahi inquired why the agent on file is not speaking to the application this evening. Planner Wellings stated there was an agent on file to help prepare the drawings and the owner attended the meeting to represent the file.

**BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-079/M) for 750 Fourth Line in the Town of Milton **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 Urban Building Designs, date stamped by Town Zoning on September 13, 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.

**Carried**

#### **6.10 A23-080/M - 1231 McPherdan Lane**

Agent for the applicant, Harjot Kaur, address: 2131 Williams Parkway Brampton provided an overview of the application.

#### **BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-080/M) for 1231 Mcpherdan Point in the Town of Milton **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 September 18, 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.

**Carried**

#### **6.11 A23-081/M 1412 Rose Way**

Agent for the applicant, Ahmad Elkaranshawy, address: 75 Bold Street Hamilton provided an overview of the application.

#### **Questions to the agent**

Member Ellahi asked the agent to confirm the below grade stairs in the backyard are a walkout. Agent Elkaranshawy stated that the creation of a walkout with a separate entrance is within the minimum setback requirements.

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### **Questions to Planner Taylor Wellings**

Member Ellahi inquired if a minor variance is needed for the below grade stairs that are coming out beyond the property line. Planner Wellings claimed there is no other variances required as they meet the setbacks and if anything were to come up at the building permit stage then it would have to come back for a variance, however zoning staff has confirmed there are no other variances.

### **BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-081/M) for 1412 Rose Way in the Town of Milton **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 Ahmad Elkaranshawy date stamped by Town Zoning on September 15, 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.

**Carried**

### **6.12 A23-083/M - 11115 Rutledge Way**

Agent for the applicant, Carl Anso, address: 4 Jenson Boulevard Guelph provided an overview of the application.

### **6.13 A23-086/M - 54 Steeles Avenue**

The agent for the applicant, Mairna Huissoon, address: 336 Bronte Street South, Milton provided an overview of the application.

### **Questions to the Agent**

Member Ellahi inquired whether or not the mezzanine is completed from the front to the back. Agent Huissoon stated that there is a ceiling structure that could support a mezzanine but there is no use over there. And the new mezzanine is only at the front, 40% of the unit area.



### **Questions to Planner Suffern**

Chair Kluge inquired if you could cap the parking at 197 parking spots with a zoning By-law amendment and has there been any complaints lodged about the parking. Planner Suffern stated at this time there hasn't been any parking related complaints. The town's concern with capping parking is, you are potentially adding to the demand, and thus they want to make sure able to evaluate that based on the existing GFA.

### **BE IT RESOLVED THAT**

THE APPLICATION FOR MINOR VARIANCE under Section 45(1)(2) of the *Planning Act* –File (A23-086/M) for 54 Steeles Avenue in the Town of Milton **BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That the gross floor area of the proposed mezzanine shall be a maximum of 146 square metres, in accordance with the site plan and floor plans, prepared by Green Propeller Design Architecture & Building Services, date stamped by Town Zoning on May 17, 2023.
2. That the Owner demonstrate to the satisfaction of the Town of Milton that they will be able to achieve all proposed TDM measures outlined in the Parking Justification Study dated August 2023 by LEA Consulting Ltd. including any ongoing programming or management that may be required for program success. All costs associated with the implementation of the TDM measures are the responsibility of the Owner.
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.

**Carried**

### **7. NEXT MEETING**

Thursday, November 30, 2023 commencing at 6:00 p.m.

### **8. ADJOURNMENT**

There being no further business to discuss the Chair adjourned the meeting at 7:30 p.m.

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Serena Graci, Secretary Treasurer



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-075M 311 Cedar Hedge Road

#### 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:

- To allow the length of a driveway to be 5.09 metres, a difference of - 0.41 metres in length

The subject property is known municipally as 311 Cedar Hedge Road and is located near the corner of Elsworthy Crossing and Cedar Hedge Road. The subject property contains a single-detached dwelling with an attached one-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, one space in the driveway and to create an additional parking space on the front yard.

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

Within the Official Plan, the subject property is designated Residential Area. This designation establishes that the primary use of land shall be a mix of low, medium and high density residential development. Second Residential Units are permitted, 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.

Planning staff are of the opinion that the proposal is not in conformity with the Town of Milton Official Plan as adequate parking will not be provided on site in accordance with the provisions of the Zoning By-law.

## Zoning:

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1\*150) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*150 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 m<sup>2</sup>.

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 has requested permission to allow the length of the driveway to be 5.09 metres, a difference of - 0.41 metres, to facilitate the proposed development.

## Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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.

The Town's Fire & Rescue Services has no objection but did note that the setbacks along the side of the residence are not wide enough to accommodate Emergency Responders during an event at the secondary unit. Planning staff acknowledge the comment however, at this time there is no provisions in the Town's Zoning By-law that require specific setbacks or minimum requirements.

Planning staff are currently working on updating the Town's Zoning By-law to include Accessory Residential Unit provisions and will work with Fire & Rescue Services to ensure they are satisfied.

Development Engineering staff has no objection but did note that no hard surfaces are allowed on the Town's Boulevard and any river rock or similar material must stop at the sidewalk.

## Planning and Development Department Comments:

The applicant has requested a minor variance to allow for a reduction in the length required for one parking space on the subject property to facilitate the construction of a basement accessory apartment. As noted above, the Zoning By-law requires a minimum

of three parking spaces to facilitate the construction of a basement apartment. The subject property contains a single car garage and single car driveway which provides parking for two vehicles (one in the garage and one in the driveway). The applicant has proposed to create an additional parking space on the front yard area of the subject property.

The applicant has proposed a decrease in the minimum length required for a parking space. This parking space will be located on the front yard of the subject property. Section 5.6.2 i) requires that the minimum size for a parking space shall be 2.75 metres wide by 5.5 metres in length. The applicant has requested permission to allow for a reduction in the minimum parking space length to 5.09 metres, a reduction of - 0.41 metres. Planning staff have reviewed the requested variance and object to its approval.

The Zoning By-law provides for minimum standards associated with land use. For single detached dwellings, the Zoning By-law requires a minimum of two (2) parking spaces be provided, and one (1) additional parking space for an accessory apartment. The Zoning By-law further provides for the minimum size of a parking space shall be, to accommodate a range of both style and size of vehicles.

Although a reduction in size may be sufficient for a car, the Town cannot enforce the type of passenger vehicle parked in the space, and therefore enforces a minimum standard to provide adequate parking for all types of vehicles including cars, SUVs and trucks. Planning staff are concerned that if a future tenant has a vehicle larger than could be accommodated, this would impact pedestrian safety and overall parking issues. It is also worth noting that pedestrian safety is a concern as the additional parking space can be difficult to navigate especially during winter months with snow banks and unclear sidewalks. Staff are also concerned that the additional space will limit access to the main entrance of the single-detached dwelling, by having a vehicle parked immediately against the stairs, which also creates an accessibility concern, as it relates to accessing the home.

Overall, Planning staff have concerns regarding pedestrian safety, parking issues and an overall negative impact to the external character of the dwelling and surrounding neighbourhood in the future.

Planning staff have reviewed the requested variance and recommend refusal. Planning staff are of the opinion that the requested variance does not conform to the general intent of both the Official Plan and Zoning By-law and is not desirable for the development and use of the subject property. Planning staff are further concerned that the proposed reduction in parking space length would have a negative impact on both the Town's right-of-way and pedestrian safety.

**Recommendation:**

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

Taylor Wellings

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

November 22, 2023





## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A-23/082/M 4250 Donaldson Lane

#### General Description of Application:

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

1. A minimum front yard setback of 5.1 metres, whereas a minimum front yard setback of 24.0 metres is required;
2. A minimum interior side yard setback of 0.9 metres for the detached dwelling, whereas a minimum interior side yard setback of 7.5 metres is required; and
3. A minimum interior side yard setback of 1.4 metres for a deck with a height greater than 0.6 metres above grade, whereas a minimum interior side yard setback of 7.5 metres is required.

The subject property is known municipally as 4520 Donaldson Lane and is legally described as Lot 2 on Registered Plan 20M-856. The applicant is proposing to construct a single detached dwelling on the lands. The variances above have been requested to permit the single detached dwelling to be located closer to the street and farther away from the significant Key Natural Features to the rear of the property.

The subject development is located within a rural estate subdivision which is in the process of being developed. The associated draft plan of subdivision and zoning by-law amendment applications for the subdivision, were approved by the Ontario Municipal Board in 1998. Since that time, the subdivision has been registered (in 2002) and the applicant is proceeding with development on the 5 lots located within the subdivision.

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

The subject property is designated as Agriculture Area and Greenbelt Natural Heritage System in the Town of Milton Official Plan. The intent of these policies is to implement the policies of the Provincial Greenbelt Plan and to protect the key natural features and the ecological functions of the Natural Heritage System.

In this area, development or site alteration is prohibited within Key Features and a minimum vegetation protection zone of 30 metres wide is required for wetlands and significant woodlands. The applicant has provided drawings which demonstrate that with the requested reductions to the front and interior side yard setbacks, the proposed single detached dwelling can be located outside of the 30 metre vegetation protection zone of the key features.

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

#### Zoning:

The subject lands are zoned estate residential with site specific provisions (RE\*314) in the Town's Rural Zoning By-law 144-2003 as amended. This zone permits a single detached dwelling on the lands.

#### Variance 1- Front Yard Setback

Section 6.2, Table 6G of the Zoning By-law states that the minimum front yard setback shall be 24.0 metres. The applicant is proposing a minimum front yard setback of 5.1 metres for the single detached dwelling. (a reduction of 18.9 metres)

#### Variance 2- Interior Side Yard Setback for Detached Dwelling

Section 6.2 Table 6G of the Zoning By-law states that the minimum interior side yard setback shall be 7.5 metres. The applicant is proposing a minimum interior side yard setback of 0.9 metres for the single detached dwelling. (a reduction of 6.6 metres)

#### Variance 3- Interior Side Yard Setback for Deck

Section 4.1.1.7 Table 4B of the Zoning By-law states that a deck with a height above 0.6 metres above grade shall have a minimum interior side yard setback of 7.5 metres. The applicant is proposing a minimum interior side yard setback of 1.4 metres for the deck. (a reduction of 6.1 metres)

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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 agency comments are highlighted by staff:

#### Conservation Halton

Conservation Halton staff confirmed that they have no objections to the requested minor variances subject to the following conditions:

- That prior to the initiation of works, a CH Permit be obtained from CH for the proposed development.

#### Halton Region

The proposed development is within the 30 metre vegetation protection zone (VPZ) from the following Key Natural Heritage Features: candidate significant woodlands, wetlands, potential habitat of endangered or threatened species and potential significant wildlife habitat. Greenbelt Plan policy 3.2.5.4 and Regional Official Plan policy 139.3.7(5) requires that a 30 metre VPZ is maintained for all development and site alterations.

The significant wetlands were staked by Conservation Halton in September 2021 and the significant woodland dripline was staked by the Region on November 15, 2021

The Region has been provided drawings completed by Sensus Design Studio, dated 2023-11-20, which show that the proposed development/site alteration is outside of the



30m VPZ from the Key Features. As such, the Region has no further comments on the Minor Variance application.

It is important to note that all development and site alteration will need to maintain the 30 m VPZ.

#### **Development Review Comments:**

The applicant is proposing to construct a single detached dwelling on the lands. The purpose of the variances is to allow for the building to be pushed closer to the front lot line, and further away from the existing wetland and significant woodland features to the rear of the property. Without the variances, the existing minimum 24 metre front yard setback required in the Zoning By-law would result in the building being located well within the significant wetland and woodlot feature buffers. The proposed variances allow for the subject development to be more inline with current planning policies.

The current zoning for the property permits a single detached dwelling on the lands. The applicant has applied for a minor variance to reduce the minimum front yard setback and interior side yard setback. No reductions to the rear yard setback requirement are proposed.

It is noted that the subject minor variance does not approve the proposed building footprint. Instead, the applicant will be required to apply for a building permit application and Conservation Halton Permit prior to any development on the lands. The full scope of the development including the building footprint, grading, and location of servicing will be reviewed at that time.

The intent of the minimum front yard setback and interior side yard setback regulations in the Zoning By-law, is to ensure that there is sufficient space around the building for building maintenance, site grading and drainage, amenity space, and parking. The applicant has demonstrated through the concept plan provided that the proposed reduction to the setbacks is sufficient to provide these requirements. The concept front yard includes a front porch and garden and a driveway length long enough to park a vehicle between the front lot line and the garage building face.

Staff note that there are outstanding conditions in the subdivision agreement that need to be satisfied prior to the issuance of building permits. These include conditions related to lot servicing, lot grading, erosion controls, utilities and the construction of the private lane/driveway to provide access to the lots.

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 are 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 prior to the initiation of works, a CH permit be obtained from Conservation Halton for the proposed development.
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

November 22, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-088 910 Magnolia Terrace

#### General Description of Application:

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

1. To allow the width of the residential driveway to be 2.6 metres, a difference of - 0.15 metres per parking space; and
2. To allow a landing above-grade accessing a principal building encroachment into an interior side yard, 0.6 metres, + 0.6 metres encroachment.

The subject property is known as 910 Magnolia Terrace and is located near the corner of Magnolia Terrace and Buckthorn Garden. 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):

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 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 m<sup>2</sup>.

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 2.6 metres, a difference of -0.15 metres per parking space, to facilitate the proposal.

Section 4.19.5 i) Table 4H of the Zoning By-law states that stairs and landing, above grade accessing a principal building are permitted to encroach into a front yard, rear yard or exterior side yard. A minimum of 0.6 metres interior side yard is required on one side and 1.2 metres on the other side. The applicant is requesting permission to allow a landing above grade to encroach into the interior side yard at 0.6 metres, a difference of + 0.6 metres, to facilitate the proposal.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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 Town's Fire & Rescue Services has no objection but did note that the setbacks along the side of the residence are not wide enough to accommodate Emergency Responders during an event at the secondary unit. Planning staff acknowledge the comment however, at this time there is no provisions in the Town's Zoning By-law that require specific setbacks or minimum requirements.

Planning staff are currently working on updating the Town's Zoning By-law to include Accessory Residential Unit provisions and will work with Fire & Rescue Services to ensure they are satisfied.

## **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 -0.15 metres for both of the parking spaces in the driveway, in order to accommodate three required parking spaces. The applicant is also requesting permission to allow a landing above grade to encroach into the interior side yard at 0.6 metres, a difference of + 0.6 metres, to facilitate the proposal.

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.

The accessory apartment will be access through an entrance in the side yard and will feature an above-grade landing. The landing will encroach into the side yard at +0.6 metres and Planning staff have no concerns about the location or the impact on the neighbouring properties. Engineering staff have also confirmed that there is no negative impact from a drainage perspective.

Planning Staff have reviewed both variance requests and offer no objection to their 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. In regards to the interior side yard encroachment, staff are satisfied that the landing will not impact the neighbouring properties.

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 Cads Solutions, date stamped by Town Zoning on October 6, 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

November 22, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-089 393 Nakerville 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 2.50 metres, a difference of - 0.25 metres

The subject property is known municipally as 393 Nakerville Crescent and located on the corner of Nakerville Crescent and Urell Way and across from Harrison 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 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):

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\*104) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*104 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 m<sup>2</sup>.

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 2.50 metres wide by 5.5 metres in length, a difference of -0.25 metres per parking space, to facilitate the proposal.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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 Town's Fire & Rescue Services has no objection but did note that the setbacks along the side of the residence are not wide enough to accommodate Emergency Responders during an event at the secondary unit. Planning staff acknowledge the comment however, at this time there is no provisions in the Town's Zoning By-law that require specific setbacks or minimum requirements.

Planning staff are currently working on updating the Town's Zoning By-law to include Accessory Residential Unit provisions and will work with Fire & Rescue Services to ensure they are satisfied.

### **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 -0.25 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 Permit Guys Inc. date stamped by Town Zoning on October 17, 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  
November 22, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-090/M 442 Thornborrow 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 2.55 metres, a difference of -0.2 metres

The subject property is known municipally as 442 Thornborrow Court and located east of Kovachik 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\*220) under the Town of Milton Zoning By-law 016-2014, as amended. The Site Specific 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 m<sup>2</sup>.

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 November 16, 2023 as of the writing of this report on November 22, 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 Town's Fire & Rescue Services has no objection but did note that the setbacks along the side of the residence are not wide enough to accommodate Emergency Responders during an event at the secondary unit. Planning staff acknowledge the comment however, at this time there is no provisions in the Town's Zoning By-law that require specific setbacks or minimum requirements.

Planning staff are currently working on updating the Town's Zoning By-law to include Accessory Residential Unit provisions and will work with Fire & Rescue Services to ensure they are satisfied.

### **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 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 October 17, 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  
November 22, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-091M 455 Cedric Terrace

#### General Description of Application:

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

- Requesting permission to allow the width of the residential driveway to be 2.48 metres, a difference of -0.27 metres

The subject property is known municipally as 455 Cedric Terrace and located on the east side near Harrison 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 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 m<sup>2</sup>.

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 2.48 metres wide by 5.5 metres in length, a difference of -0.27 metres per parking space, to facilitate the proposal.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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 Town's Fire & Rescue Services has no objection but did note that the setbacks along the side of the residence are not wide enough to accommodate Emergency Responders during an event at the secondary unit. Planning staff acknowledge the comment however, at this time there is no provisions in the Town's Zoning By-law that require specific setbacks or minimum requirements.

Planning staff are currently working on updating the Town's Zoning By-law to include Accessory Residential Unit provisions and will work with Fire & Rescue Services to ensure they are satisfied.

### **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 -0.27 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 Shivang Tarika, date stamped by Town Zoning on October 19, 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  
November 22, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-092M 566 Kennedy Circle West

#### 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:

- To allow the width of the residential driveway to be 2.53 metres, a difference of - 0.22 metres per parking space.

The subject property is known municipally as 566 Kennedy Circle West and located south of Magnolia Terrace and on the east side of Kennedy Circle. 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):

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 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 m<sup>2</sup>.

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 2.53 metres, a difference of -0.22 metres per parking space, to facilitate the proposal.

## **Consultation**

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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 Town's Fire & Rescue Services has no objection but did note that the setbacks along the side of the residence are not wide enough to accommodate Emergency Responders during an event at the secondary unit. Planning staff acknowledge the comment however, at this time there is no provisions in the Town's Zoning By-law that require specific setbacks or minimum requirements.

Planning staff are currently working on updating the Town's Zoning By-law to include Accessory Residential Unit provisions and will work with Fire & Rescue Services to ensure they are satisfied.

## **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 -0.22 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 Shivang Tarika, date stamped by Town Zoning on October 19, 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

November 22, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-093M 1067 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 a secondary dwelling unit:

- Requesting permission to allow the width of the residential driveway to be 2.68 metres, a difference of -0.07 metres

The subject property is known municipally as 1067 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 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 m<sup>2</sup>.

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 2.68 metres wide by 5.5 metres in length, a difference of -0.07 metres per parking space, to facilitate the proposal.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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 -0.07 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 Heritage Solutions, date stamped by Town Zoning on October 19 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

November 22, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-094M 1167 Leger Way

#### 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:

- To allow the width of the residential driveway to be 2.56 metres, a difference of - 0.19 metres per parking space.

The subject property is known municipally as 1167 Leger Way and is located north of Locker Place. 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\*207) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*207 zone permits a variety of residential uses, including detached and townhouse dwellings. The by-law permits Accessory Dwelling Units in single detached dwellings or semi-link dwellings, under Section 4.10, subject to the following criteria:

- i) Only 1 accessory dwelling unit shall be permitted per lot and shall be located within the main dwelling unit;
- ii) A minimum of 1 parking space per accessory dwelling unit is provided in addition to the required parking for the main dwelling unit;
- iii) The dwelling must be on full municipal water and wastewater services; and,
- iv) The accessory dwelling unit shall not exceed a maximum size of 85 m<sup>2</sup>.

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 2.56 metres, a difference of -0.19 metres per parking space, to facilitate the proposal.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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 -0.19 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 Shafe Consultants, date stamped by Town Zoning on October 20, 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

November 22, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-095M 1290 Raspberry Terrace

#### General Description of Application:

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

- To allow a maximum projection in the rear-yard of 4.27 metres, a difference of + 0.27 metres

The subject property is known municipally as 1290 Raspberry Terrace and located beside Raspberry Park. The subject property contains a single-detached dwelling with a two-car garage. Surrounding uses are residential and is primarily comprised of single-detached dwellings. The applicant is proposing to recognize an existing rear-yard deck and has requested a minor variance application to permit the increase in rear-yard projection.

#### 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 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 as well as accessory structures and incidental uses.

Section 4.3.1 i. Table 4D Footnote (\*3) of the Town's Zoning By-law states that a deck greater than 1.2 metres above grade may project no more than 4.0 metres into the rear yard from the wall of the principal building closest to the rear lot line. The applicant is requesting permission to allow a maximum projection of 4.27 metres, a difference of + 0.27 metres, to recognize the existing development.

#### Consultation

##### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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 recognize an existing rear-yard deck, at the above-noted address. The Town's Zoning By-law states that a deck greater than 1.2 metres above grade may project no more than 4.0 metres into the rear yard from the wall of the principal building closest to the rear lot line. The applicant is requesting permission to allow a maximum projection of 4.27 metres, a difference of + 0.27 metres, to recognize the existing development.

As it relates to the proposed rear-yard projection, planning staff are of the opinion that although that the increase is of sufficient depth to accommodate private amenity space in the rear yard and will not impact the adjacent properties and the use and enjoyment thereof. The subject property backs onto a green space and property is directly beside Raspberry Park.

It should also be noted that the existing deck will not exceed the typical footprint of other rear-yard decks in close proximity and does not negatively impact the dwellings character. It should be noted that all other zone provisions are met including lot coverage.

Based on the foregoing, staff is 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 land.

**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 the Owner, date stamped by Town Zoning on October 17, 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

November 22, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-096M 1611 Whitlock 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 reduction in the required interior side yard setback:

- Requesting permission to allow the interior side yard setback to be 6.53 metres in width, whereas 7.0 metres is required, a difference of - 0.47 metres

The subject property is known municipally as 1611 Whitlock Avenue and identified as Lot 50 as identified in Plan 20M-1263 and located on the corner of Whitlock Avenue and Trudeau Drive. Surrounding uses are residential and is primarily comprised of single-detached dwellings. A single-detached has been approved for the subject property but has not yet been constructed. The single-detached dwelling will contain a two-car garage.

Due to the subject property layout, the applicant is proposing the bay box/window and stair projections to be permitted into the interior side yard.

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

The subject property is designated Residential Area. The Residential Area designation permits a variety of residential uses, including single detached dwellings as well as incidental uses such as fences and swimming pools. The property is further designated Residential Area on Schedule C.10.C Land Use Plan of the Boyne Survey Secondary Plan Area. A variety of residential uses and incidental uses, including single detached dwellings and fences are permitted within this designation.

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

#### Zoning:

The subject lands are zoned Site Specific Residential Medium Density 1 (RMD1\*315) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1 zone permits a variety of residential uses, including single detached dwellings. Fences are permitted on all properties in accordance with the provisions of the zoning by-law.

Section 13.1.1.315 iv) f. iii) of the Town's Zoning By-law states that the minimum required interior side yard setback is 7.0 metres in width. The applicant is requesting permission to allow the interior side yard setback to be 6.53 metres in width, a difference of - 0.47 metres, for the proposed development.

#### Consultation

### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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 placement of the bay box/window and stair projections to be permitted into the interior side yard. At this time, the subject property is vacant but will contain a single-detached dwelling as part of the surrounding subdivision development. The subject property is located on the corner of Whitlock Avenue and Trudeau Drive. The subject property is an irregular roundabout lot and the proposed variance is required due to the shape of the property.

The applicant is requesting permission to allow the interior side yard setback to be 6.53 metres in width, a difference of - 0.47 metres, for the proposed development. Planning staff have reviewed the proposed variance and have no concerns as there is appropriate spacing between the proposed dwelling and the neighbouring properties. Further, the requested reduction in the interior side yard is consistent with other rear yards within the subdivision development. The location of the bay box/window and stair projects will not be an obstruction and will be negligible to the surrounding properties.

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. The development shall be located and constructed generally in accordance with the site plan, prepared by Korsiak Urban Planning and date stamped by the Zoning Department on October 19, 2023, to the satisfaction of the Town of Milton Building Department.
2. That the approval be subject of an expiry of two 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

November 22, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-097M 1680 Sauble 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 2.53 metres, a difference of -0.22 metres

The subject property is known municipally as 1680 Sauble Court and located east of Trudeau Drive. 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\*283) under the Town of Milton Zoning By-law 016-2014, as amended. The RMD1\*283 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 m<sup>2</sup>.

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 2.53 metres wide by 5.5 metres in length, a difference of -0.22 metres per parking space, to facilitate the proposal.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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 -0.22 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 RDA Designs, date stamped by Town Zoning on October 19, 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

November 22, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-098M 1399 Buckthorn Garden

#### 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:

- To allow the width of the residential driveway to be 2.67 metres, a difference of - 0.08 metres per parking space.

The subject property is known municipally as 1399 Buckthorn Garden and is located at the corner of Buckthorn Garden and Apple Terrace. 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 Site Specific 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 m<sup>2</sup>.

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 2.67 metres, a difference of -0.08 metres per parking space, to facilitate the proposal.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on November 16, 2023. As of the writing of this report on November 22, 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 -0.08 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 Shivang Tarika, date stamped by Town Zoning on October 23, 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

November 22, 2023



## Memorandum to Committee of Adjustment Members

### Minor Variance Application: A23-099/M - 1316 Hamman Way

#### 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 minimum size of a parking space, located on a residential driveway, to be 2.54 metres in width, where as the Zoning By-law requires 2.75 metres (a reduction of 0.21 metres).

The subject property is known municipally as 1316 Hamman Way and is legally described as Lot 110 on Plan 20M-1191. The lands are generally located south of Whitlock Avenue and east of Regional Road 25. Surrounding land uses include medium density residential.

The subject property currently contains a two storey single detached dwelling with an attached garage.

#### 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. An additional residential unit is permitted within the policies, subject to the site having a municipal service connection, being accessible to public transit, not changing the external character of the building, meeting all other applicable law requirements (i.e. Ontario Building Code and Zoning By-law), and not being located within the regulatory floodplain area.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended, given the property has three functional parking spaces.

#### 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 additional 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 width by 0.21 metres, resulting in a 2.54 metre width for spaces located on the driveway.

### **Consultation**

#### *Public Consultation*

Notice for the hearing was provided pursuant to the *Planning Act* on, November 16, 2023. As of the writing of this report on, November 22, 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 is seeking relief from the Zoning By-law to legalize two parking spaces within the driveway. Given the existing size of the driveway, a reduction of width for each space is required, resulting in a 2.54 metre width for a parking space located on a residential driveway. There is no physical development proposed on the driveway.

The applicant has demonstrated that two vehicles can be parked on the driveway without overhang onto the municipal right-of-way and adjacent properties, all while remaining accessible for passengers (see attached photographs).

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

### **Recommendation:**

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

1. That a Building Permit 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), MCIP, RPP  
Planner, Development Review

November 22, 2023

