



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 m².

Zoning staff have confirmed that, with the exception of provision ii), the above noted criteria has been satisfied.

Section 5.6.2 i) of the Zoning By-law states that the minimum size of a required parking space on a residential driveway is 2.75 metres wide and 5.5 metres in length. The applicant is requesting permission to allow a minimum size of a parking space on a residential driveway to be a width of 2.53 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.

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